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Rapport de la Rapporteuse spéciale sur la violence contre les femmes, ses causes et ses conséquences, Rashida Manjoo

Additif

Mission en Italie*, **

Résumé

Le présent rapport contient les conclusions que de la Rapporteuse spéciale sur la violence contre les femmes, ses causes et ses conséquences a formulées à la suite de sa visite en Italie, du 15 au 26 janvier 2012. On y trouvera un examen de la violence contre les femmes dans le pays, de ses causes et de ses conséquences, ainsi que des mesures prises par l'État pour prévenir cette violence, protéger les femmes et fournir des moyens de recours aux victimes, ainsi que poursuivre et punir les responsables.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le corps du rapport, qui figure en annexe, est distribué uniquement dans la langue dans laquelle il a été soumis.

** Document soumis tardivement.

Merci de recycler

Annexe

[English only]

Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Italy (15–26 January 2012)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official visit to Italy from 15 to 26 January 2012. The objective of the visit was to examine the situation of violence against women in four spheres, namely in the home, the community, violence perpetrated or condoned by the State and violence in the transnational context. The manifestations of violence addressed during this mission include domestic violence; femicide; violence against women who face multiple and intersecting forms of discrimination, including Roma, Sinti and migrant women, detained women, women with disabilities and transgendered people.

2. The Special Rapporteur would like to express her gratitude to the Government of Italy for the excellent cooperation extended prior to, during and after her visit to the country.[1] During the visit to Rome, Milan, Bologna and Naples, consultations were held with high-ranking officials of the Ministries of Interior; Defence; Justice; Labour, Social Policies and Equal Opportunities; Health Affairs; Education; and International Cooperation and Integration. The Special Rapporteur also met with officials from the National Office against Racial Discrimination; the National Institute of Statistics and the National Institute of Agricultural Economics. She held meetings with members of the Senate Committee on Human Rights and the Interministerial Committee on Human Rights.

3. Her meetings also included those with the Presidents of the Juvenile Justice Court and the Court of Cassation, representatives from the Rome Tribunal and the Rome Juvenile Court and members of the Departments of Judicial Affairs and the Penitentiary Administration, as well as State Police and the Carabinieri Corps.

4. The Special Rapporteur visited the anti-violence helpdesk within the accident and emergency department of the San Camillo Hospital, Rome, and anti-violence centres and shelters in Rome and Imola. She met with representatives of civil society organizations (CSOs) in Rome, Milan, Bologna and Naples. Her mission also included visits to the Ponte Galeria immigration centre, Rome; to Rebibbia Prison Centre, Rome; the Psychiatric Judicial Hospital in Castiglione delle Stiviere; the Juvenile Detention Facility in Nisida, Naples, and the Women's Detention Centre in Pozzuoli, Naples. She visited an authorized settlement for the Roma and Sinti community in Rome and participated in a public event on violence against women organized by the University of Milano-Bicocca.

5. The Special Rapporteur is grateful to all her interlocutors, especially survivors of violence and women in custody and shelters who shared their experiences with her. She looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

[1] The Special Rapporteur would particularly like to thank the Government of Italy, for agreeing to respond to the current report in a very short time frame.

II. The Italian economic and political context and its implications for women's rights

A. Population

6. The population of Italy is characterized by an increase in the older population as a result of the low birth rates and the rise in life expectancy.[2] According to data from the Italian National Institute of Statistics (ISTAT), 20.3 per cent of the population was aged 65 years and over in 2010. The population is equally divided between women and men.[3]

7. In 2011, the percentage of migrants in Italy increased by 7.9 per cent compared to 2010, primarily because of the birth of second-generation migrants. Foreigners are unevenly distributed within the country with 86.5 per cent concentrated in the north and centre of the country and the remainder in the South.[4] Most come from Ukraine, Morocco, Republic of Moldova, China, Bangladesh, India, Egypt, Senegal, Albania and Pakistan (CEDAW/C/ITA/Q/6/Add.1, para. 289). Migrants constitute 7.4 per cent of the population with women accounting for approximately half of all migrants residing in Italy.[5]

8. Depending on the source, there are approximately 130,000–170,000 Roma, Sinti and Caminanti living in Italy, representing 0.2 per cent of the population.[6] About half of all Roma and Sinti living in Italy are Italian citizens, while 20–25 per cent are from other European Union member States (the vast majority from Romania).The rest are either from non-European Union States or are stateless.[7]

B. Political and economic context

9. Italy is governed by a technical Government composed of a new Prime Minister and Council of Ministers following the vote of confidence by the Italian Parliament in November 2011. Key policy issues include the management of and attempts to reduce Italian public debt (120 per cent of gross domestic product), safeguarding the banking system and keeping Italy in the euro zone.[8] Representatives of this Government acknowledge their limited power and time to introduce widespread legislative changes and that their main objective is to focus on structural economic and labour market reforms to address the domestic economic crisis, which is aggravated by the regional and international crisis.

10. Pursuant to constitutional amendments, an increasing autonomy has been delegated to local authorities in Italy (CEDAW/C/ITA/6, para. 7). A legal framework (Law No. 42/2009) and an ongoing process on fiscal federalism further increase regional autonomy in areas of tax and fiscal responsibilities.

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[2] Da Vinci project, *An aging Europe: Challenges of the senior service sector in Italy*, p. 2

[3] Italian National Institute on Statistics (ISTAT), *The Italian Population*, 2012. Available from www.istat.it/en/archive/51649.

[4] ISTAT, *Italy's resident foreign population*, 2011. Available from www.istat.it/en/archive/40658.

[5] International Organization for Migration, *Italy Facts and figures, 2010.* Available from www.iom.int/jahia/Jahia/italy.

[6] Senate of the Republic – Extraordinary Commission for the protection and promotion of human rights "*Rapporto conclusivo dell' indagine sulla condizione di Rom, Sinti e Camminanti in Italia"* (2011), p. 18.

[7] European Roma Rights Centre (ERRC), Osservazione and Amalipé Romanò, submission for the universal periodic review, February 2010, p. 1.

[8] Economist Intelligence Unit, *Italy factsheet 2012.*

C. General status of women within society

11. Gender stereotypes, which predetermine the roles of men and women in society, are deeply rooted.[9] Women carry a heavy burden in terms of household care, while the contribution of men thereto is amongst the lowest in the world.[10] With regards to their representation in the media, in 2006, 53 per cent of women appearing on television did not speak; while 46 per cent were associated with issues such as sex, fashion and beauty and only 2 per cent issues of social commitment and professionalism.[11]

D. Women and employment

12. Despite article 51 of the Constitution, which entrenches the principle of gender equality, women are underrepresented in the public and private employment spheres, whether at the national, regional or local levels (CEDAW/C/ITA/CO/6, para. 32). According to data provided by the Government, senior management positions in both the public and private sectors are still male-dominated, even in workplaces where women form the majority of the workforce.[12] For instance, only 50 per cent of management staff in schools and 38 per cent of doctors are women.[13] Within the State Police, women in various ranks constitute 14.9 per cent of the personnel, while in the Armed Forces female officers constitute 3.48 per cent of the total personnel.[14] In the Carabinieri corps, female officers above the rank of non-commissioned officers' constitute 1.37 per cent of total personnel.[15]

13. Moreover, there are significant regional differences in unemployment with low rates in the north and high rates in the south.[16] In 2011, the unemployment rate of young women in Southern Italy was 44.6 per cent while the average rate of youth unemployment was 29.1 per cent.[17] Women and youth have higher rates of unemployment than men.[18] Women with disabilities are disadvantaged regarding both access to employment and income.[19] Migrant women are eight times more likely to be employed in low-skilled employment than their Italian counterparts.[20]

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[9] CEDAW/C/ITA/6, paras. 151-152.

[10] ISTAT, *Work life balance* (2008), pp. 22-23. Available from www3.istat.it/dati/catalogo/20080904_00/arg_08_33_conciliare_lavoro_e_famiglia.pdf.

[11] Italian platform, shadow report submitted to the Committee on the Elimination of Discrimination against Women, 2011, p. 26.

[12] Information provided by the Department of Equal Opportunities.

[13] Ibid.

[14] Information provided by the Ministry of Defense.

[15] Information provided by Carabinieri Corps.

[16] United States Department of State, *Background note on Italy*, 2012.

[17] According to ISTAT, being the National Institute on Statistics, it should be considered that, in 2011, the youth unemployment rate reached on average 29.1 per cent, though this rate rose to 44.6 per cent among young women residing in the South of Italy (ISTAT, *Work-Force Survey*, Media 2011).

[18] According to ISTAT, 60.6 per cent of mothers aged 25–54 are active in the labour market and those employed represent 55.5 per cent, while fathers employed reached 90.6 per cent (*Reconciliation between work and family*, ISTAT 2010).

[19] However, it is noted that in 2010 only 6.4 per cent of women with severe limitations were employed compared to 12.9 per cent of men. Among the population, the percentage is 39.8 per cent of women versus 61.1 per cent of men. Even with respect to earned income, the disadvantage of women with limitations is evident: over 70 per cent of these women, compared with 48.7 per cent of men with severe limitations, have an income ranging between 0 and 15,000 per year (ISTAT, *EUSILC Survey*, 2010).

[20] According to the results of a study conducted on data from the labour force in 2006, the rate of foreign women who have the chance to work in segments characterized by lower worker skills is

III. Manifestations of violence against women and girls

A. Domestic violence

14. Service providers indicate that, with a prevalence rate of up to 78 per cent,[21] domestic violence is the most pervasive form of violence that continues to affect women across the country. A national survey conducted in 2006 estimated that 31.9 per cent of women between the ages of 16 and 70 face physical or sexual violence during their lifetime and that 14.3 per cent of them faced at least one episode of physical or sexual violence by their current or former partner.[22]

15. Furthermore, acts of domestic violence are for the most part serious; with 34.5 per cent of women reporting being victim of serious violent incidents; 29.7 per cent of them declared it sufficiently serious; while 21.3 per cent of victims felt in danger when the violence was perpetrated. Yet only 18.2 per cent of those women considered domestic violence a crime and 36 per cent accepted it as a common occurrence. Similarly, only 26.5 per cent of women considered rape or attempted rape as a crime.[23]

16. Domestic violence in the private sphere remains largely invisible and underreported.[24] Although statistics from the Rome Prosecutor's Office indicate a slight increase of reports on sexual offenses and domestic violence in 2010, 96 per cent of women who are victims of violent acts by non-partners and 93 per cent of victims of partner abuse do not report cases to the police. Similarly, most cases of rape (91.6 per cent) are not reported to the police. Moreover, 33.9 per cent of women who have suffered violence at the hands of a partner and 24 per cent by a non-partner have never talked about what happened to them (CEDAW/C/ITA/Q/6/Add.1, para. 90).

17. The Special Rapporteur was informed of cases of domestic violence brought before courts that are barred by a statute of limitation, due to lengthy delays in the finalization of cases.[25] A case in point is the experiences of a mother in Naples whose daughter was killed by her husband. Despite his defence of a crime of passion, he was found guilty and sentenced to 16 years. His appeal hearing has been delayed due to the retirement of the presiding judge and the lack of an Appeal Court judge to address the matter. In terms of the prescription law, he will be released next year if the matter is not finalized in time.

18. Further violence against women may be perpetuated due to the trend in shared custody arrangements following the dissolution of unions. As a result of this, divorced or separated women who have suffered domestic violence may in some cases be required to maintain close contact with the perpetrator of the violence, regarding their children's upbringing.[26]

about eight times higher than that of Italian women, while the likelihood for foreign men is "only" double if compared to Italian men (ISTAT, *Foreigners in the labour market*, 2009).

[21] Donne in rete contro la violenza (DIRE), *Third National Survey 2010 Statistics*, p. 1.

[22] ISTAT, *Violence against women inside and outside family* (2006), p. 2. This survey does not include non-Italian women.

[23] Ibid. p. 3.

[24] Information provided by Prof. Calloni during university event in Milan.

[25] The high prescription rates of cases of domestic violence stems from their shorter sentencing terms and delays in the system. See case of a victim of violence whose trial started on October 2005 and judgement rendered on December 2011. While the appeal is pending, the case will be barred by prescription (P.F Court of Rome No. 3203/04 RGNR).

[26] Italian platform, shadow report, p. 103.

B. Femicide

19. The continuum of violence in the home is reflected in the increasing numbers of victims of femicide. Since the beginning of the 1990s, the number of men-on-men homicide has diminished, while the number of women murdered by men has increased.[27] A report on femicide based on information provided by media indicates that in 2010 as many as 127 women were murdered by men.[28] Of these, 70 per cent were Italian and 76 per cent of the perpetrators were also Italian.[29] This is contrary to the common view that such crimes are committed by foreign men, a perception reinforced by the media. In 54 per cent of the cases of femicide, the perpetrator was either a partner or a former partner and in only 4 per cent of the cases was the perpetrator unknown to the victim.

20. Causes leading to femicide include separation of a couple, conflict within the relationship, "honour, men's unemployment and jealousy by the perpetrator"[30] – factors which often overlap and coexist.

C. Violence against women from Roma and Sinti communities

21. The Special Rapporteur visited an authorized settlement for Roma and Sinti people in Rome, originally built to accommodate 800 people but at the time of the visit hosting 1,200.[31] She was informed that this increase was the result of, inter alia, the rise in birth rates within the camp and Government-led evictions from other irregular settlements on the basis of administrative state of emergency decrees and ordinances of past years in line with civil protection legislation.[32] Interviews with inhabitants of the camp further reveal a situation characterized by a lack of adequate housing where large families with children and grandchildren live in small containers; an unsafe water and sanitation situation; and limited heating and electricity infrastructure. The camp is segregated from mainstream Italian society. As one resident stated: "Look at us. We have been living for a long time like animals in containers, in the twenty-first century, because the State considers us as nomads. Why can't it provide us with apartments?"

22. Interviews with women in the settlement reveal that general societal prejudice against them is also reflected in the media. This reinforces their lack of trust and confidence in the Italian society and the State. While Romani women do not typically report violence to the police, a survey reveals that 26 per cent of Romani women interviewed have

[27] Linda Laura Sabbadini, *Gender Violence, discrimination and, economic statistics: new challenges in measures based on a gender approach* (ISTAT, 2007), p. 5.

[28] Casa delle donne per non subire violenza, *Indagine sul femicidio in Italia* (Bologna, 2012), p. 6.

[29] Ibid.

[30] B. Spinelli, *Femicide and feminicide in Europe. Gender-motivated killings of women as a result of intimate partner violence*. Expert group meeting on gender-motivated killings of women. Convened by the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, New York, 12 October 2011, para. 37.

[31] Information provided during an interview with the spokesperson of the camp.

[32] Ministerial Decree (21 May 2008) on the declaration for the state of emergency in Campania, Lazio and Lombardy (declared void by Council of State verdict No. 6050 of 16 November 2011); Ministerial Ordinances Nos. 3676/3677/3678 (30 May 2008) on urgent measures of civil protection to confront the state of emergency and No. 3751 (1 April 2009) on additional urgent measures of civil protection to confront the state of emergency; Ministerial Decree (28 May 2009) on urgent measure of civil protection to confront the state of emergency in Piedmont and Veneto; Ministerial Decree (17 December 2010) on the prorogation of the state of emergency in Campania, Lazio, Lombardy, Piedmont and Veneto regions. To be noted that the administrative state of emergency mentioned differs to the state of emergency described in the International Covenant on Civil and Political Rights.

reportedly suffered abuses by police including physical violence, degrading treatment, racist remarks and sexual harassment.[33] An elderly woman living in the camp also informed the Special Rapporteur of her reluctance and fear of going out of the camp to seek health and other services, despite her European nationality, unless she is accompanied by her spouse or son.

23. In the field of employment, most women within this community cannot easily access the labour market because of "discrimination against them, child-bearing and family responsibilities, low level or lack of education and vocational training, and often, prohibition by their spouses".[34] Women interviewees also mentioned that community pressure can lead them to opt for staying at home and tending to their family, in order to preserve their culture. Those who do seek and manage to get employment are stigmatized and discriminated against including by 'the allocation of more difficult working conditions, short term contracts with limited employment benefits; and they are often labelled as thieves and lazy people. This leads them to hide their origin to employers and colleagues.[35]

24. With regard to education, children, who form over 40 per cent of the Roma and Sinti population,[36] do not regularly attend schools, in spite of existing laws and policies. According to data from the Ministry of Education, Universities and Research, 54.7 per cent of children from these groups attend primary school, while only 1.3 per cent attend upper secondary school. The Special Rapporteur was informed of a civil society initiative where mothers from the community are hired to ensure the education of the children. They do this by accompanying children to and from school, interacting with teachers on behalf of their families and encouraging families to send their children, particularly girls, to school. In spite of such measures, interviews with women living in the camp disclose that fear – of discrimination, intolerance, bullying by pupils, teachers and the outside community at large, but also fear of losing their ethnic culture and identity – is the main reason for parents opting not to send their children, particularly girls, to school. Other reasons contributing to school dropout of girls include domestic responsibilities, poverty and early marriages.[37]

D. Violence against migrant women

25. Migrant women who are in an irregular situation in the country are victims of multiple forms of discrimination, further amplified by the "Security Package".[38] The Special Rapporteur was informed during an interview at the Identification and Expulsion Centre (CIE) of a case where a migrant woman in an irregular situation who reported an attempted rape to the police was taken to CIE, instead of action being taken against the perpetrator. Incidents such as these lead to the continuous revictimization and exploitation of migrant women, as their fear of arrest and deportation acts as a barrier to reporting.

26. The security package laws also impact migrant women who are in the country following family reunification. The Special Rapporteur was informed by cultural mediators working on migrants issues in Imola of instances where these women experience domestic, economic and psychological violence by their spouses. The mandatory legal residency

[33] ERRC, parallel submission to the Committee on the Elimination of Discrimination against Women on Italy, 2011, pp. 4–5.

[34] ERRC, parallel submission to the Committee on the Elimination of Discrimination against Women on Italy, 2011, p. 11.

[35] Ibid.

[36] Senate of the Republic, *Rapporto conclusivo*, p. 5

[37] ERRC, parallel submission to the Committee on the Elimination of Discrimination against Women on Italy, 2011, p. 13.

[38] Law Decree 91/1992 on security package amended and converted into Law No. 125/2008.

period of two years compels those without other options to live with their abusers in order to acquire citizenship. Lack of information about assistance available to them by public and private institutions or knowledge of the Italian immigration system and the language further exacerbates their situation.

27. Immigration legislation[39] provides for the possibility of issuing resident permits for reasons of social protection to women who are victims of trafficking and exploitation, upon declaration of their status and completion of the required assistance programmes. Yet, an interview with a victim of trafficking awaiting deportation in CIE revealed that fear of reprisal by the traffickers, who she believes have pecuniary and spiritual power over her and her family, prevented her from benefiting from programmes of assistance to trafficked persons.

28. In terms of employment, the Special Rapporteur was informed that most migrant women are employed as care/domestic workers in private homes. They undertake a range of tasks from cleaning to taking care of children, people with disabilities and the elderly. The work of these employees makes up for deficiencies in the public welfare system, which is constrained by insufficient funding (CEDAW/C/ITA/Q/6/Add.1, para. 271) and an ageing population that requires assistance.

29. As regards education, migrant children are provided with free education until the age of 16.[40] However, because they are deemed as sources of inconvenience and problem negatively impacting the effectiveness of education,[41] a recent policy envisages a maximum of 30 per cent of non-Italian students per class.[42]

E. Women in detention facilities

30. According to data provided by the government, women in prison represent 4 per cent of the overall prison population, with 50 per cent of them being foreign.[43] In general, the crimes for which they are charged or sentenced are characterized as so-called poverty crimes, with a low level of danger to society.

31. Overcrowding and unhealthy conditions is a problem identified during the Special Rapporteur's visits to detention centres. For example, in the Women's Detention Centre in Pozzuoli, 12 women, including an 8-month-pregnant woman and an elderly woman in her 60s, were confined in a cigarette-smoke filled cell, with no hot water in the communal bathroom.[44] Similarly, the Judicial Psychiatric Hospital in Castiglione delle Stiviere under the Lomabrdia regional administration, which hosts both women and men who develop

[39] Legislative Decree 286/1998 on migration, particularly article 18; Law 228/2003 against trafficking in human beings (especially art. 13).

[40] Presidential decree 394/1999 governing immigration and the status of foreigners, in accordance with Legislative Decree 286/1998.

[41] Arianna Santero, *L'inserimento scolastico degli alunni migranti in Italia*, Paper for the Espanet Conference "Innovare il welfare. Percorsi di trasformazione in Italia e in Europa", Milano, September–October 2011, p. 13. The Special Rapporteur notes the Government's explanation about the benefits of the quota system for the inclusion of foreigners in the education system.

[42] Ministry of Education, Directorate for School Order No. 2 of 2012 on the integration of non-Italian pupils.

[43] Information provided by Ministry of Justice, Department of Penitentiary Administration. As of 13 January 2012, out of 2,837 female prisoners in Italy, 1,168 were foreigners.

[44] The Special Rapporteur was pleased to receive post-mission information indicating the replacement of the broken water tanks.

mental health problems before or after their incarceration, is not only overcrowded but also understaffed. This is a potential security risk for both patients and personnel.[45]

32. In all detention facilities the Special Rapporteur visited, overcrowding and resource constraints contributed to increasing challenges relating to access to employment opportunities within the prison. For instance, in one facility, of 198 detainees, only 5 were provided with the opportunity for work, with a cooperative located inside the prison, for the duration of their stay in prison.[46] Interviews with female inmates at the Rebibbia Prison and the Pozzuoli Women's Detention Centre also highlighted the discriminatory practices by prison staff in terms of opportunities or preferential criteria for work, where condemned prisoners with long sentences are given priority over those with shorter sentences or awaiting sentencing.

33. In terms of access to education, which is considered as one of the means to rehabilitate detainees, particularly juveniles, private interviews with the Special Rapporteur revealed that it is provided only up to middle-school level in the juvenile detention facility in Nisida. Those who wish to continue education will have to do so once they are released. In the meantime, they follow accredited middle-school courses, including Italian where relevant. This can result in the acquisition of more than one middle-school certificate, which has led to anger and disinterest in education by some children, as mentioned during interviews at the juvenile detention facility in Nisida. The Special Rapporteur noted the provision of vocational training as part of the efforts to facilitate the reintegration of juvenile offenders into society. These courses are largely based on stereotyped roles of men and women, including pizza-making and carpentry work for boys and cooking for girls.

34. During her visit to the women's wing of a prison, the Special Rapporteur took note of the condition of women detainees with minor children. She found that the facilities were separated from the other sections of the prison and that the conditions were satisfactory. The women interviewed at Rebibbia Prison were all foreign and there for minor property-related crimes, mostly theft. Their main complaints related to the fact that they were concerned about their other children at home and that alternative sentences, such as house arrest, should have been applied.

35. Other challenges brought to the attention of the Special Rapporteur include dissatisfaction with the quality of some State-sponsored legal aid;[47] the inconsistent practices followed by some surveillance judges in the review of sentences for early release of detainees who fulfil the conditions for alternative forms of detention; and the lack of information on and reasons for decisions, which can foster anger and misunderstanding amongst detainees.[48] Furthermore, the detention of transgender inmates in male sections of most prisons further exposes them to violence.[49]

[45] Information provided by the Psychiatric Judicial Hospital of Castiglione delle Stiviere.

[46] Information provided during interviews at the Pozzuoli Women's Detention Centre.

[47] Interviewees at CIE mentioned the lack of interest of State-sponsored legal aid provided during expulsion hearings.

[48] Some forty women in the Pozzuoli Women's Detention Centre mentioned that their requests for alternative forms of detentions were not processed or processed incoherently. Mention was made of one particular judge engaged in such practice.

[49] Information provided during interview with a transgender person, victim of sexual and physical violence while in prison.

F. Women with disabilities

36. There are approximately 1.8 million women living with disabilities in Italy.[50] Women with disabilities, including those with psychiatric disabilities, are more exposed to physical and sexual violence in both their homes and institutions.[51] The Special Rapporteur was informed of one symbolic case of sexual violence over a 40-year period against a deaf-mute woman. While in school, she was the victim of violence, including sexual violence, reportedly committed by priests. According to the victim, she was also allegedly repeatedly raped and impregnated by a family member and forced to undergo an unsafe abortion without her consent. While in the workplace, she was allegedly raped by the president of the NGO providing assistance to people with disabilities and fell pregnant. She had to fight with family, hospitals and associations to keep her child and to raise him by herself. At home, she allegedly endured domestic violence for several years by her alcoholic husband, on whom she depended financially. Lack of information on remedies and services available, as well as the fear of being further stigmatized, prevented her from sharing her ordeal and receiving assistance.

37. Furthermore, the Special Rapporteur was informed by Associazione Disabili Rinnovamento Democratico in Imola that women with disabilities are generally considered asexual beings, incapable of founding and taking care of a family of their own or acquiring education and being gainfully employed. In spite of existing/progressive legal and policy frameworks for the integration of women with disabilities, in practice, these women are at times offered certain training programmes that lead to subordinate positions and inferior roles in the labour market and, consequently, to lower paid jobs.[52]

IV. State response to violence against women

A. Developments in the legislative framework

38. Italy is party to a number of international and regional human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention on the Rights of Persons with Disabilities; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol No. 12 concerning non-discrimination.

39. At the national level, the Constitution guarantees human rights for everyone and sets out the principle of equality of all citizens before the law, without distinction as to sex, race, language, religion, and political opinions, personal and social conditions.

[50] Information provided by the Ministry of Health.

[51] Disabled People International –Italy and Consiglio Nationale sulla Disabilità, *Report on women with disabilities and their human rights*, 2012, p. 12

[52] The Special Rapporteur was informed of existing laws and policies guaranteeing the rights of women with disabilities, including provision of ad hoc teaching assistance for better integration within the education and employment sectors. However, representatives of women with disabilities and the above-mentioned report by Disabled People International – Italy and the Consiglio Nationale sulla Disabilità (p. 6) confirm the existence of de facto discrimination.

1. Violence against women

40. The Italian legal framework to combat violence against women has evolved over time. Marital authority has been abolished and both spouses have legal authority to make decisions, including those concerning children.[53] Sexual violence against women is now a criminal offence, rather than an offence against public morality, and is prosecuted upon denunciation.[54] State-sponsored legal aid for victims of rape, statutory rape and gang rape is provided.[55] Female genital mutilation is prohibited and punished by law, with support to victims, the establishment of toll-free numbers and public awareness initiatives included as part of the redress measures.[56]

41. There is a specific law on stalking which includes mandatory detention for acts of sexual violence including by partners and it is an aggravated offence when committed against children and people with disabilities.[57] Other related measures include the establishment of a specific unit within the police (Carabinieri Corps), a national helpline and earmarked State funding.

42. Shared parental custody is the default position in marital separations.[58] The Special Rapporteur was informed by a CSO in Bologna of a growing trend where this type of custody is awarded by courts, even in cases where children have directly or indirectly witnessed intrafamily violence. This is due to the exercise of judicial discretion, in the absence of specific legislation that addresses such circumstances and which can provide remedies for the protection of women and children. The Special Rapporteur notes that a number of judges of the juvenile court of Rome attempt to bridge the lacuna in the law by interpreting the "prejudice that may be suffered by the child" in articles 330 and 333 of the Civil Code, when deciding on the loss of parental rights.[59]

43. Judicial protection measures in the context of intrafamily violence (arts. 342 bis and ter of the Civil Code) allows for an ex parte application to a civil court judge in urgent cases. Protective measures such as the removal of the perpetrator from the household, banning the person from approaching places habitually frequented by the victim, the possibility of filing charges for emotional and psychological abuse, interventions by social services or anti-violence shelters and regular payment of alimony are provided for.[60] Violation of those civil protection measures is criminally sanctioned by imprisonment or a fine (art. 388 of the Penal Code).

2. Women facing multiple forms of discrimination

(a) Women in the Roma and Sinti communities

44. Administrative state of emergency decrees and ordinances[61] have been adopted in line with civil protection legislation to regulate the settlements of "nomadic communities",

[53] Law No. 151/1975 amending the family law.

[54] Law No. 66/1996 No. against sexual violence.

[55] Law No. 11/2009 on sexual violence and stalking and Law No. 38/2009 on stalking.

[56] Law No. 7/ 2006 on the prevention and prohibition of female genital mutilation.

[57] Law No. 11/2009.

[58] See Law No. 54/ 2006 on child custody.

[59] Italian platform, shadow report, p. 100.

[60] Law No. 154/2001 on measures against violence in family relations.

[61] Ministerial Decree (21 May 2008) on the declaration for the state of emergency in Campania, Lazio and Lombardy (declared void by Council of State verdict No. 6050 of 16 November 2011); Ministerial Ordinances Nos. 3676/3677/3678 (30 May 2008) on urgent measures of civil protection to confront the state of emergency and No. 3751 (1 April 2009) on additional urgent measures of civil protection to confront the state of emergency; Ministerial Decree (28 May 2009) on urgent measure

where they are considered as threats to public security. These regulations provide for, inter alia, census of individuals living in "nomad settlements", the monitoring of authorized settlements and evictions from irregular settlements, including through the use of civil protection agencies, the police and the military.[62]

45. The Special Rapporteur acknowledges the recent intervention of the Council of State which declared the State of Emergency Decree in relation to settlements in the regions of Campania, Lombardy and Latium to be void.[63]

(b) Migrant women

46. Since 2008, a series of restrictive measures on migration, known as the "Security Package" has been established.[64] The package provides for, inter alia, restrictions on irregular migrants' access to some basic services; makes it an offence sanctioned by imprisonment to rent accommodation to irregular migrants; and creates citizens' squads to ensure security. Furthermore, the recent Law No. 94/2009 criminalizes irregular migration, making it punishable by a fine of up to 10,000 euros. As a crime punished ex officio, some public officials and public service agents, excluding those in the health and education sectors, are mandated to provide information on irregular migration. Failure to do so is an offence under article 331, paragraph 4, of the Criminal Procedure Code and articles 361 and 362 of the Criminal Code.

(c) Trafficked women

47. Law No. 228/2003 against human trafficking introduced the offence of reducing a person to or keeping him/her in slavery or servitude, trafficking in persons and trading in slaves. It also provides for the creation of a short-term protection programme granting accommodation, food and health care to victims in protected centres.

48. Legislation also includes a special residence permit for victims of trafficking, as part of a social protection package, which is independent from any reporting/provision of information by the victim as regards the traffickers. It further offers victims of trafficking the opportunity for a more substantive integration programme. [65]

(d) Women with disabilities

49. The articles 3, 31, 37 and 51 of the Constitution protect women with disabilities from any form of discrimination, whether in the field of employment, access to public offices and elected positions and/or during maternity. Other legislation provides protection in areas such as the right to life, health, assistance and social integration,[66] inclusion in the labour market and social protection,[67] access to work[68] and judicial protection in case of discrimination.[69]

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of civil protection to confront the state of emergency in Piedmont and Veneto; Ministerial Decree (17 December 2010) on the prorogation of the state of emergency in Campania, Lazio, Lombardy, Piedmont and Veneto regions. To be noted that the administrative state of emergency mentioned differs to the state of emergency described in the International Covenant on Civil and Political Rights.

62 Regions concerned by this measure are Campania, Lazio, Lombardy, Piedmont and Veneto.

63 *Ministry of the Interior and others v. ERRC and others*, Council of State ruling No. 6050 of November 2011 declaring the Roma Emergency Decree of the Council of Ministers (21 May 2008) void.

64 Legislative Decree 92/2008 on public security converted into Law No. 125/2008; Law No. 94/2009 on public security.

65 Legislative Decree 286/ 1998 on Migration (art. 18) amended by Law No. 189/2002.

66 Law No. 104/1992 on the rights of people with disabilities.

67 Law No. 68/1999 on the right to work of people with disabilities.

3. Women in detention facilities

50. The conditions of women in detention, particularly those with minor children, have improved over the years. Some women are benefiting from alternative measures to detention, including probation under social services' supervision, home detention, day release and conditional release programmes,[70] which are granted by the Surveillance Tribunal, under certain conditions.

51. Law No. 62/2011 on the relationship between mothers in prison and their minor children promulgated in 2011 further provides that detained women who have children living with them, should be detained in low-security establishments instead of in ordinary prisons.[71] Furthermore, they can have their children live with them until the age of 6.

4. Women and employment

52. A Code of Equal Opportunities between men and women in work and employment reaffirms the principles of non-discrimination and gender equality; prohibits any form of discrimination based on sex, entailing or leading to the infringement of human rights and fundamental freedoms; and provides for measures to prevent such discrimination (CEDAW/C/ITA/Q/6/Add.1, para. 13). Other legislation provides for a fine and imprisonment of employers as a result of unequal pay between men and women;[72] parental leave of two years for parents of children with severe disabilities;[73] flexible working arrangements[74] and protection of health and safety in the workplace. [75]

B. Developments in the institutional and policy framework

53. The Department of Equal Opportunities (DEO) and the Ministry of Labour, Social Affairs and Equal Opportunities are the primary Government bodies that work in the areas of gender equality and violence against women.

54. DEO, under the President of the Council of Ministers, is responsible for the promotion and coordination of policies on equal opportunities and all governmental actions to prevent and remove any forms of discrimination.

55. DEO includes the National Racial Discrimination Office, which has numerous functions including: monitoring how the national media portrays specific groups; it is the designated focal point for the elaboration of a national strategy on the inclusion of Roma and Sinti communities; it is the office for the implementation of the principle of equal treatment between men and women in access to and supply of goods and services; it hosts the Centre for combating paedophilia and child pornography; and the Committee for the monitoring of the actions undertaken under the national plans against gender violence and stalking. DEO also supports local administrations to establish and develop Unique Committees to Guarantee Equal Opportunities for the Promotion of the Welfare of Working

[68] Ministerial Decree 91/2000 on access to work for women with disabilities, Legislative Decree 216/2003 on equal treatment in employment and working conditions, Legislative Decree 145/2005 equal treatment in access to employment, vocational training, promotion and working conditions, Legislative decree 198/2006 on the Code of equal opportunity.

[69] Law 67/2006 on judicial protection of persons with disabilities.

[70] Criminal Procedure Code, art.656; Law No. 354/1975, arts. 48–51, 54.

[71] Law No. 62/2011 on the relationship between mothers in prison and their minor children.

[72] Legislative Decree 5/2010 on gender pay gap.

[73] Legislative Decree 151/2001 on maternity and paternity protection.

[74] Law No. 183/2010 on delegation to the Government of matters related to strenuous work and employment incentives; Law No. 183/2011 on changes regarding some labour institutes.

[75] Legislative Decree 81/2008 to safeguard the safety and health of workers.

People and against Discrimination. The Commission for Equal Opportunities between men and women, within DEO, also provides advice and support in the elaboration and implementation of equal opportunities policies.

56. The Ministry of Labour, Social Affairs and Equal Opportunities, through DEO is mandated to implement the policies related to equal opportunities, including ensuring effective promotion and coordination of all governmental actions relating to women's rights and equal opportunities in the area of health, research, education, environment, family, employment, public offices and women representation, protection from exploitation and sexual abuse, the fight against paedophilia and child pornography and guaranteeing the full implementation of gender equality policies relating to entrepreneurship and labour market. The Minister also promotes and coordinates all actions to fight the trafficking and exploitation of human beings and violence against women and girls.

57. Other Government bodies that have a direct role in the promotion of women's rights and the elimination of violence against women include the following.

58. The National Councillor for Equality who undertakes initiatives aimed at the implementation of the principles of equal opportunities and non-discrimination between men and women in the workplace. The Councillor coordinates the National Network of Equality Advisors and Women Councillors in various regions and provinces.

59. The Interministerial Commission for the Prevention of the Practice of Female Genital Mutilation, which is currently being reconvened, is composed of experts of relevant governmental as well as non-governmental institutions. It coordinates Government's interventions towards eliminating female genital mutilation.[76]

60. The National Observatory on the Situation of Persons with Disabilities is a technical and consultative body mandated to develop national policies for the promotion of the rights and the integration of persons with disabilities, as well as the implementation of the Convention on the Rights of Persons with Disabilities.

61. In addition, the National Institution for the Promotion of Migrant Health and control of poverty-related issues within the Ministry of Health, the special anti-stalking units in the Carabinieri Corps of the Ministry of Defence, the Specialized Investigative Units dealing with sexual crimes against women and children in the State Police and other bodies within the Ministries of Justice, Interior and Cooperation and Integration also work with DEO and the Ministry of Labour, Social Affairs and Equal Opportunities, in addressing violence against women and promoting women's rights.

62. In addition, issues of violence against women are addressed through the establishment of a specialized team of prosecutors within the Public Prosecutor's Offices. They are in charge of proceedings concerning sexual abuse and non-compliance with family support obligations. In Rome, as in other cities, memoranda of understanding are signed between the judiciary and anti-violence shelters and hospitals, for effective and coordinated actions in the area of violence against women and protection of victims.

63. At the policy level, the Government has developed the National Plan of Actions to combat violence against women and stalking, the National Plan of Action on women, peace and security (2010–2013) and the National Plan for the inclusion of women in the labour force (Italia 2020).

[76] Law No. 11/2009 and Law No. 38/2009 on stalking. Commission currently being re-established.

V. Support services for women victims of violence

64. During the visit the Special Rapporteur was informed of the significant assistance to women victims of violence which is provided by CSOs that manage anti-violence shelters and anti-violence helpdesks in accident and emergency departments within hospitals. The Special Rapporteur recognizes the vast experience and expertise that exists in the provision of services including legal, social, psychological and economic assistance to victims of violence against women. Despite the limited availability of resources for this work, the Special Rapporteur was informed of collaborative forms of public-private partnerships, including through a tender-system, which has so far allowed this work to continue for the benefit of the women and girls who have been subjected to violence.

65. With regard to institutions of higher learning, discussions with academics and students revealed the potential role of educational institutions in addressing violence against women, particularly through research on the prevalence, manifestations and the systemic and structural causes of inequality and discrimination, which most often lead to violence against women.

66. During her mission, the Special Rapporteur also noted the positive role of cultural mediators in promoting knowledge and mutual understanding between the host society and the migrant communities, which may contribute to addressing the various forms of violence against women, and the development of culturally appropriate responses by the State.

VI. Main challenges

67. Violence against women remains a significant problem in Italy. As the most pervasive form of violence, domestic violence continues to affect women across the country. The continuum of violence in the home is reflected in the increasing numbers of victims of femicide by partners, spouses or former partners. Most manifestations of violence are underreported in the context of a patriarchal society where domestic violence is not always perceived as a crime; where victims are largely economically dependent on the perpetrators of violence; and perceptions persist that the state responses will not be appropriate or helpful.

68. The legal framework largely provides for sufficient protection for violence against women. However, it is characterized by fragmentation, inadequate punishment of perpetrators and lack of effective redress for women victims of violence. These factors contribute to the silencing and invisibility surrounding violence against women, its causes and consequences.

A. Access to justice/legal framework

69. Victims of violence and representatives of civil society with whom the Special Rapporteur met highlighted the lengthy criminal procedure, the non-respect of civil protection measures and the inadequate pecuniary and detention sanctions against perpetrators, which weakened the protective nature of that measure. Moreover, the lengthy delays in the justice system may also impact the outcome of a case. The prescription law allows for a matter to be dropped due to delays in the system. In addition, the lack of coordination between judges of the civil, criminal and juvenile benches when handling protective measures does sometimes result in conflicting judgments.

70. Another recurring issue that emerged from interviews with women is the delay or failure to pay alimony by the husbands, despite existing laws criminalizing such action. As a consequence of this economic violence, according to information provided in an interview

with victims, women are compelled to live in shelters or with relatives and resort to the justice system for enforcement of payment. According to associations providing legal assistance to victims, resorting to judicial proceedings can be time and resource-consuming and, at times, a futile exercise as the relevant assets may no longer be available at the time of the courts' decision. The reluctance of judges to grant orders prohibiting the disposal of assets pending the finalization of the matter, further disadvantages women and children.

71. The practice of systematically granting joint parental custody, including in cases of intrafamily violence witnessed by children, allows for the perpetuation of domestic violence against divorced and separated women. The option of limiting or terminating parental rights occurs in rare cases of attempted murder or child abuse complaints.[77] Instances where the former partner has used the joint custody of the child to maintain communication and indirectly continue exercising control over his former partner/wife (including by preventing her from choosing her place of residence) were shared with the Special Rapporteur.[78]

72. Moreover, the Special Rapporteur was informed of a draft bill s957/2008 on shared custody that is currently in Parliament. This draft law will take into account the Parental Alienation Syndrome for the purposes of determining child custody. This syndrome has been used by abusive men in other jurisdictions as a ground for excluding women from shared parental custody.[79] Activists argue that, if adopted, this bill will continue the violence suffered by women. It will require them to maintain close contact with their abusers and create a climate of fear for women, as their actions will be monitored and can be used by the abuser to argue that she is alienating the children from the father.

B. Women facing multiple forms of discrimination

73. The categorization of the Roma and Sinti communities as "nomads"[80] – requiring the establishment of an administrative state of emergency and constant surveillance[81] – predetermines the conditions under which they have to live and may be contributing to creating circumstances where domestic and community abuse is occurring. The community lives in temporary shelters, in containers, in a camp-like setting, often with inadequate living conditions, as observed by the Special Rapporteur in the settlement she visited.

74. Women and girls from these communities face multiple forms of violence and discrimination on the basis of gender and ethnic origins. This is reflected in their disadvantage in areas such as employment, education, health care, inadequate housing and arbitrary evictions. This in turn reinforces their lack of trust and confidence and makes them reluctant to integrate with wider society. In their own communities, this then translates into dependency on the male members of their family, which could be a source of domestic violence. The lack of trust reinforces the invisibility of the problem and thus the extent is not known, either at the State or non-State levels. This life pattern also fuels the cycle of intergenerational poverty particularly affecting women and girls.

[77] Information provided by CSO in Bologna.

[78] Italian platform, shadow report, p. 100.

[79] Draft Bill S957/2008 on shared custody, presented at the Senate on March 2011.

[80] The Special Rapporteur was informed that the term "nomad" was no longer used under the National Strategy for Social Inclusion of Roma, Sinti and Caminanti communities of November 2011. She however notes its continued use by some State officials.

[81] During the visit to a Roma camp in Rome, the Special Rapporteur noted the presence of security cameras recently installed in front of the gate to monitor the residents of the camp, in line with the security package.

75. Challenges faced by irregular migrant women as a consequence of the legislative and policy measures adopted to curb irregular migration include the creation of alternative, illegal facilities which offer them services that cannot be obtained through public entities. The Special Rapporteur was informed by a CSO in Rome that irregular migrant women do not normally seek access to the justice or health systems in spite of existing laws. The fear of being reported and deported and the lack of information on the assistance available to them plays a huge role in such decisions. CSO representatives have also reported to the Special Rapporteur the multiple forms of discrimination faced by migrant women in the area of employment. Owing to prejudices and stereotypes, the public perception generally considers them either as domestic/care workers or sex workers, depending on their nationality.

76. In terms of education, the current policy instituting a quota on non-Italian students, can further contribute to the already significant dropout rate of children from marginalized communities, particularly girls who live in areas with a high concentration of migrant communities.[82]

77. With regards to women victims of trafficking, the Special Rapporteur was informed by an organization assisting trafficked women that, in spite of extensive anti-trafficking measures, trafficked women preferred to claim asylum without disclosing their status. This is due to factors such as lack of information on the available assistance, including counselling and shelter services, their psychological condition and the fear of harm to themselves or their families by the traffickers.

78. Women with disabilities were, for a long time, seen as passive recipients of assistance. The State, society and even family members perceived disabled women as invisible at best, a burden at worst. Girls and women with disabilities tend to be less educated due to the stereotypical opinion that considers them as dependent and in need of care. Educating them is therefore considered not only difficult, but unnecessary.[83] This perception has at times led to an inferior quality of education and, consequently, employment in subordinate roles despite existing legislative and policy frameworks for the integration of people with disabilities.[84] In terms of health care, discussions with a CSO in Imola working with women with disabilities highlighted the absence of consultation with these women to enable them to make informed and appropriate health and family planning decisions.

C. Women in detention facilities

79. In respect of women in detention, numerous concerns were raised with regard to the extensive decision-making power of surveillance judges. The general perception is that decisions appear to be influenced by prejudices linked to the ethnicity of the detainee and the nature of the offence committed, especially in case of serious crimes.[85] In interviews with the Special Rapporteur in Pozzuoli Women's Detention Centre, women reiterated that inconsistent decisions, delays in responding or sometimes the lack of response and the lack of a respectful process by surveillance judges rendered access to alternative measures of detention difficult.

[82] Information provided by CSO in Bologna.

[83] Disabled People International –Italy and Consiglio Nationale sulla Disabilità, *Report on women with disabilities and their human rights*, 2012, p. 6.

[84] Ibid.

[85] Alessandra Gualazzi, Chiara Mancuso and Annalisa Mangiaracina, "Back door sentencing' in Italy: common reasons and main consequences for the recall of prisoners", *European Journal of Probation*, Vol. 4, No.1 (2012), p. 80

80. The legislation on the imprisonment in low security prisons of women with children up to the age of 6 may contribute to the improvement of living conditions and facilitate their reintegration into society. However, challenges include ensuring that the requirements for benefiting from this and other types of alternative forms of detentions, such as community detention (*case famiglia protette*; see Law No. 62/2011) are inclusive of all women, particularly those from the Roma, Sinti and migrant communities and those without fixed abode. In addition, due consideration has also to be given to the fact it is not in the best interests of a child to spend its formative years in a prison.

81. Of particular concern are the limited education and employment opportunities in detention facilities, as discussed above. Limited access to such opportunities, resource constraints and discriminatory practices by prison staff in the allocation of such opportunities, among others, are factors that were brought to the attention of the Special Rapporteur.

D. Women and employment

82. In spite of the legislative framework on labour and employment, the job market remains dominated by men, with executive positions still a male prerogative, even in sectors where women form the majority of the workforce, such as in schools and health services. Moreover, the inadequacy of the social services available in relation to child care and assistance for the elderly, as well as the practice of signing blank resignations upon hiring,[86] are challenges contributing to the exclusion of women from employment.

83. Migrant women working in domestic/care services bridge the gap in the social welfare system and are exposed to the risk of exploitation and discrimination by their employers – primarily because of fear of deportation in case of revocation of their contracts.[87] In many households they are exposed to multiple forms of discrimination and prejudices because of their nationality; their generic work contracts and diverse labour conditions and responsibilities, which often go beyond the provision of caregiving to include other housework; their working hours are irregular; their salaries are not paid regularly; and there are no opportunities for career development.[88]

84. The legislative and policy framework on employment does not sufficiently protect women from marginalized communities who face multiple forms of discrimination.

E. Statistics and data collection

85. The Special Rapporteur notes limitations in efforts of Government institutions and CSOs to collect disaggregated data and statistics related to violence against women, including femicides. The 2006 ISTAT survey *Violence against women inside and outside family* is the most recent official source of data and its limitation includes the fact that it does not accurately reflect the actual prevalence of violence against women and does not include data on women with disabilities, women from the Sinti, Roma or other minority communities.

[86] The Special Rapporteur was pleased to receive information indicating that a draft law on measures to reform the labour market, which, inter alia, aims to address the problem of blank resignations was approved by the Council of Ministers in March 2012.

[87] Information provided by CSO in Imola. The Special Rapporteur notes that, in the case of revocation of contracts of migrant domestic workers, Law No. 129/2011 provides them a maximum of 6 months to look for work with another employer. In case of failure, they are repatriated.

[88] Italian platform, shadow report, p. 126.

86. Updated disaggregated data and statistics on violence against women is crucial for designing, implementing and monitoring laws, policies and programmes. The sharing of such data among concerned bodies including relevant ministries, law enforcement bodies, the judiciary and CSOs is necessary to assess the impact of such measures.

F. Coordinated support and response

87. The institutional framework for addressing women's rights includes a number of governmental bodies and institutions, both in the capital and at the regional levels, which have similar mandates and functions. The coordination between these bodies poses challenges, including in terms of human and financial resources, duplication and competition.

88. Furthermore, in her discussions with authorities and civil society representatives, the Special Rapporteur was informed of instances where earmarked funds received by authorities in Naples, from donors such as the European Union, for the promotion and protection of women's rights were returned, or at risk of being returned, as they had not been spent. The non-disbursement of such funds to associations for activities in the area of women's rights is leading to the closure of these associations. Factors contributing to the inability of the Central Government to intervene in such cases include decentralization of the institutional framework as provided by the Constitution, the challenges of dealing with a lack of political will at the local level and procedures that may hinder the capacity to manage and spend the funds received. This then affects the responsibility of the Central Government to fulfil, with due diligence, its international and national obligations to effectively address violence against women.

89. As regards CSOs, persons with significant expertise and skills are working for the advancement of women's rights. Challenges that exist include: the management of public funds which may lead to lack of implementation in some cases; responding in a coordinated and effective way to address violence against women and girls; and establishing strategic partnerships with international and regional human rights mechanisms, to further the promotion and protection of women's rights

90. According to DIRE, challenges facing anti-violence shelters include: inadequate or no commonly agreed standards on the specialized roles of service providers; management and accountability of organizations; the effective role of shelters in preventing and countering violence; the absence and/or inconsistency in obtaining Government funds for creating new and maintaining existing anti-violence shelters; and the fact that support services are only reaching a limited number of women victims of violence. CSOs (including DIRE) were vocal in explaining to the Special Rapporteur that as of January 2012, 14 shelters had closed or were at risk of closure, to the detriment of victims. Similarly, the Special Rapporteur was informed by a CSO managing an accident and emergency centre within a hospital in Rome about the imminent closure of an anti-violence help desk within the emergency room, which is managed and funded by women's associations.

VII. Conclusions and recommendations

91. **Efforts have been made by the Government to address the issue of violence against women, including through the adoption of laws and policies and the establishment and merger of governmental bodies responsible for the promotion and protection of women's rights. Yet these achievements have not led to a decrease in the femicide rate or translated into real improvements in the lives of many women and**

girls, particularly Roma and Sinti women, migrant women and women with disabilities.

92. **Despite the challenges of the current political and economic situation, targeted and coordinated efforts in addressing violence against women, through practical and innovative use of limited resources, need to remain a priority. The high levels of domestic violence, which are contributing to rising levels of femicide, demand serious attention.**

93. **The Special Rapporteur would like to offer the Government the following recommendations.**

A. Law and policy reforms

94. **The Government should:**

(a) Put in place a single dedicated governmental structure to deal exclusively with the issue of substantive gender equality broadly and violence against women in particular, to overcome duplication and lack of coordination;

(b) Expedite the creation of an independent national human rights institution with a section dedicated to women's rights;

(c) Adopt a specific law on violence against women to address the current fragmentation which is occurring in practice due to the interpretation and implementation of the civil, criminal and procedures codes;

(d) Address the legal gap in the areas of child custody and include relevant provisions relating to protection of women who are the victims of domestic violence;

(e) Provide education and training to strengthen the skills of judges to effectively address cases of violence against women;

(f) Ensure the provision of quality, State-sponsored legal aid to women victims of violence as envisaged in the constitution and Law No. 154/200 on measures against violence in family relations;

(g) Promote existing alternative forms of detention, including house arrest and low-security establishments for women with children, having due regard to the largely non-violent nature of the crimes for which they are incarcerated and the best interest of children;

(h) Adopt a long-term, gender-sensitive and sustainable policy for social inclusion and empowerment of marginalized communities, with a particular focus on women's health, education, labour and security;

(i) Ensure the involvement of representatives of these communities, particularly women, in the design, development and implementation of policies which impact them;

(j) Ensure continued provision of quality education for all, including through a flexible application of the 30 per cent ceiling of non-Italian pupils per classroom, to allow for inclusive schools particularly in places where the population of non-Italians is high.

(k) Amend the "Security Package" laws generally, and the crime of irregular migration in particular, to ensure access of migrant women in irregular

situations to the judiciary and law enforcement agencies, without fear of detention and deportation;

(l) Address the existing gender disparities in the public and private sectors by effectively implementing the measures provided by the Constitution and other legislation and policies to increase the number of women, including from marginalized groups, in the political, economic, social, cultural and judicial spheres;

(m) Continue to remove legal hurdles affecting the employment of women, which is exacerbated through the practice of signing blank resignations, and the lower positions and salary scale for women. Strengthen the social welfare system by removing impediments to the integration of women into the labour market;

(n) Ratify and implement the Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Labour Organization Convention No. 189 (2011) concerning decent work for domestic workers; the European Convention on the Compensation of Victims of Violent Crimes and the Council of Europe Convention on preventing and combating violence against women and domestic violence.

B. Societal changes and awareness-raising initiatives

95. **The Government should also:**

(a) Continue to conduct awareness-raising campaigns aimed at eliminating stereotypical attitudes about the roles and responsibilities of women and men in the family, society and workplace;

(b) Strengthen the capacity of the National Racial Discrimination Office to put in place programmes to bring about change in society's perception of women who belong to marginalized communities and groups;

(c) Continue to conduct targeted sensitization campaigns, including with CSOs, to increase awareness on violence against women generally, and women from marginalized groups in particular;

(d) Train and sensitize the media on women's rights including on violence against women, in order to achieve a non-stereotyped representation of women and men in the national media.

C. Support services

96. **The Government should further:**

(a) Continue to take the necessary measures, including financial, to maintain existing and/or set-up new anti-violence shelters for the assistance and protection of women victims of violence;

(b) Ensure that shelters operate according to international and national human rights standards and that accountability mechanisms are put in place to monitor the support provided to women victims of violence;

(c) Enhance coordination and exchange of information among the judiciary, police and psychosocial and health operators who deal with violence against women;

(d) Recognize, encourage and support public-private partnerships with CSOs and higher learning institutions, to provide research and responses to addressing violence against women.

D. Statistics and data collection

97. **Lastly, the Government should:**

(a) Strengthen the capacity of ISTAT, including through the provision of consistent funding, to establish a system for regular and standardized data collection and analysis, disaggregated by relevant characteristics in order to understand the magnitude, trends and patterns of violence against women;

(b) Ensure that in collecting such information, ISTAT regularly collaborates with institutions and organizations already working to collect data on violence against women - including the police, courts and civil society. The ultimate goal should be the harmonization of data collection guidelines and the use of such information by State and non-State actors, in an effective way.