

# RECOMMENDATIONS FOR THE UPR OF ITALY

## WOMEN'S RIGHTS



- Fondazione Pangea onlus
- Cooperativa sociale Be free
- Associazione Filomena la rete delle Donne
- Associazione Parsec
- Unione Donne in Italia (UDI)
- Casa Internazionale delle Donne di Roma
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- Women's International League for Peace and Freedom (WILPF)

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## **Context**

Since 2015, Italy has witnessed the revamping of a ferocious public debate on the so-called natural family, and the strengthened institutional support to conservative policy arenas (such as the Fertility Day campaigns, the controversial convening in Verona of the World Congress of Family of March 2019) wilfully used by government members to pursue an anti-gender, and ultimately anti-women, agenda. A new government came to power in September 2019. Despite some positive public pronouncements and appointments, its policies are obviously untested. Historically, government's attention to a gender-oriented approach has been intermittent and residual. In fact, many of the problems described in our reports are long-standing.<sup>1</sup> Many of these have been in disregard or have run against CEDAW Committee's recommendations to Italy, commitments contained in the Beijing Declaration, the Sustainable Development Goals (SDGs), the Convention on preventing and combatting violence against women and domestic Violence (the Istanbul Convention) and other international obligations. Consequently, equality policies with their required inclusiveness, coherence over time and adequate financial backing, are lacking throughout the national territory. A clear example of this is that despite existing laws, equal representation mechanisms are still inadequate and weak.

## **Gender stereotypes and discrimination**

Italy has not undertaken systematic action aimed at promoting changes in the stereotyped and unbalanced public perception of genders, and at transforming the patriarchal culture based on unequal and discriminatory power relations between women and men in every sphere of life.

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

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<sup>1</sup> See shadow reports to CEDAW Committee in 2011 and in 2017 by Italian CEDAW platform, or the Beijing alternative report of 2015.

The degrading representation of the female body of every age, and of gender roles persist at all levels: in the political debate, mass and social media, as well as in commercial messages. The attitudes and behaviours to disparages and discredits women impeaches their credibility when they denounce gender-based violence. It is not a coincidence for ex. that domestic violence is often downgraded to family conflict without having due criminal and civil consequences on perpetrators, on child custody rights and visitation. (See the four draft laws, including the well-known *Pillon* draft law, all related to it concerning divorce and custody of children). Women from the Roma and Sinti minorities, the LGBTI community and other groups, are also very much affected by sexism and gender stereotypes.

Moreover, since 2013 ultra conservative groups advocate discriminatory, homophobic and racist theories in educational institutions, particularly in kindergartens and primary schools, in support of the “natural/biological” family and traditional gender roles, and against the LGBTQI community. The “Good School” law reform of 2015 envisaged specific measures for teachers and students aimed at promoting gender equality, countering discrimination and gender-based violence. However, no concrete action has been taken to counter these discriminatory theories (see, for example, the Trento municipality that banned any gender equality education from schools).

## Recommendations

- Implement the CEDAW Committee recommendation to: “Put in place a comprehensive strategy with proactive and sustained measures to eliminate and modify patriarchal attitudes and gender stereotypes, with particular focus on women belonging to minority groups, who are often the target of hate speech and racially motivated violence, by revising textbooks and curricula and conducting awareness-raising campaigns directed at women and men in general and at the media and advertising agencies specifically.”<sup>2</sup>
- Adopt specific legislation to combat sexism and sexual harassment in all fields, including politics.

## Violence against women, femicide and firearms

Data from the latest (2014) Prevalence Survey on women’s safety carried out by the Italian National Institute of Statistics (ISTAT) show that 6,788,000 women between 16 and 70 years of age, i.e., almost one in three (31.5%), have reported some form of physical or sexual abuse in the course of their lives.

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<sup>2</sup> See CEDAW/C/ITA/CO/7, July 2017, Paragraph 26(a)

Indeed, every 72 hours, a woman is killed in gender-based violence (i.e. an average of 120 women per year), usually by a partner, former partner or a relative.

The administrative data collection systems concerning victims of gender-based violence and femicide of the Ministries of Justice, Interior and Health are not in line with the provisions of the *Istanbul Convention*,<sup>3</sup> to which Italy is a state party. Prevention and protection policies and measures are not evidence based. Over the past 10 years, rates of femicides and extremely serious injuries from attempted femicides have remained largely constant, despite a decrease in the overall number of homicides during the same period.

Possession of a firearm is a risk factor in cases of domestic violence and femicide.<sup>4</sup> In 2015, the research institute EURES reported that between 2010 and 2014, firearms were used in 28% of cases of domestic violence against women that resulted in their death, therefore, representing the third most common weapon used in femicides in Italy. In 2018 alone, 28 femicides were committed with legally held firearms. The Ministry of Interior, which collects administrative data on homicides, does not collect sex-disaggregated data on gender-based killings, nor does it provide figures to understand how many gender-based killings are committed with firearms. Moreover, the Ministry does not publish any information on the exact number of firearms in circulation in Italy, not even the total number of licenses issued and still valid. In 2018, Small Arms Survey reported 8,600,000 as the estimated total civilian-held legal and illicit firearms in Italy in 2017. Both the National Action Plan on violence against women and the NAP1325 pay no attention to the correlations between violence against women and femicides committed with firearms.

Effective gun control laws are, thus, key factors to prevent violence against women, including femicides. For this reason, the loosening of legislation regulating the acquisition and use of guns in Italy is of serious concern.<sup>5</sup> Two main legislative key actions have recently been taken that can incentive the use of firearms by any person:

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<sup>3</sup> Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

<sup>4</sup> The Spousal Assault Risk Assessment method (SARA method) for the assessment of the risk of recidivism in cases of intimate partner violence lists the possession of a weapon, even if legally held, as a risk indicator.

<sup>5</sup> It is worth recalling that in 2014, Italy voted in favour of Human Rights Council resolution 26/16 on “Human rights and the regulation of civilian acquisition, possession and use of firearms” providing that the acquisition, possession and use of firearms by civilians must be regulated in order to effectively protect human rights. Yet, through the above-mentioned measures, Italy is taking actions that run counter these recommendations.

- 1) The legislative decree n. 104 of 10 August 2018, which entered into force in September 2018, doubled the number of 'sport' weapons that licensed citizens could own.
- 2) The new law on self-defence, proposed by the right-wing political party Lega and adopted in March 2019. It broadens the legal grounds for private persons to apply lethal force for self-defence stating that "defence is always legitimate" and "the proportionality always exists" between the offence and the defence in cases of trespassing, making the latter not punishable. This law is not only contrary to Italy's human rights obligations, including under the ICCPR,<sup>6</sup> it will also encourage more people to 'take justice in their own hands' and buy firearms to keep at home.

## Recommendations

Require all ministries concerned to:

- Ensure that administrative data<sup>7</sup> be collected in a systematic and periodic way, on proceedings in both the civil and criminal systems, and disaggregate them by the victim's and the perpetrator's sex, relationship, age, and the place where the violence took place.
- Ensure that the Ministry of Interior:
  - collect and publish administrative data on femicides and other gender-based killings and on the potential correlation between gender-based homicides and the weapon used to kill the victim.
  - publish data on the number of sports shooting licenses, hunting licenses, and other firearms licenses issued and still valid as well as sex-disaggregated data on the possession of firearms.
  - adopt a tight regulation of firearms and assess each sport shooting license application carefully, including to ascertain whether it is indeed linked to the exercise of a sport activity.
- Ensure a tight regulation of civilian acquisition of firearms, including by repealing the legislative decree no. 10 of August 2018 that fosters arms proliferation.
- Ensure that the legislation on self-defence is reviewed and amended to bring it in line with Italy's human rights obligations, including Art. 6 of ICCPR, particularly with the standards of proportionality and strict necessity.

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<sup>6</sup> Abolishing the principle of proportionality in self-defence regulation is contrary to the General Comment 36 on the right to life of the UN Human Rights Committee stating that in order not to be qualified as an arbitrary deprivation of life under article 6 of the Covenant on Civil and Political Rights (ICCPR), the force applied in self-defence "cannot exceed the amount strictly needed for responding to the threat".

<sup>7</sup> As required by the Istanbul Convention, Art. 11.

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

Gender-based violence is a structural phenomenon that continues to be very serious and widespread in Italy. A gender-based approach to understand its roots and dire consequences is still needed at all levels.

The lack of coordination between the central and regional governments<sup>8</sup> as well as the constant weakness of administrative bureaucracy represent an important obstacle to the action of existing local networks on combating and preventing violence against women as well as on the timely distribution of financial resources to specialised services (*centri antiviolenza* (anti-violence centres) and *case rifugio* (shelters) transparency on the distribution of national, regional and local funding, and monitoring of their use.<sup>9</sup> All of these weaknesses expose women who live violence to secondary victimisation because it is often difficult to access timely support services, protection and adequate empowerment.

The National Strategic Plan on male violence against women 2017-2020<sup>10</sup> envisaged a series of integrated policies, including prevention and protection measures, and more funds. However, the plan meant to operationalise National Strategic Plan has not led to any concrete results. The scarcity of financial resources allocated by the competent ministries for the training of relevant actors in the Plan also hampers effective prevention and protection from violence as well as punishment of its perpetrators.

### **Recommendations**

- Fully implement the Istanbul Convention and the recommendations by made by the CEDAW to Italy on violence against women, including by:

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<sup>8</sup> Each *Regione* has put in place its own regional law on violence against women with significant disparities among each other in the availability and quality of assistance and protection services, including specialized shelters, as well as intersecting forms of discrimination against women victims of violence belonging to minority groups.

<sup>9</sup> It may take years to receive financial support as it is stuck between different actors in national, regional and municipal administrators, who are often locked in internal disputes or who are marred by inefficiency in transferring, sharing and report on funds and beneficiaries.

<sup>10</sup> See National Report, A/HRC/WG.6/34/ITA/1, paragraph 21.

- Improving coordination and gender mainstreaming between national, regional and municipal interventions, including by involving and funding women's associations and specialized women services providers, to develop integrated policies.
- Fully implementing the National Strategic Plan on male violence against women 2017-2020, including by ensuring that all relevant ministries plan and carry out activities towards its operationalisation.
- Enacting preventive and protection measures in consultation with migrant women and their organizations against all forms of violence including forced marriage and female genital mutilation.
- Putting in place mechanisms that guarantee effective implementation, in a consistent manner throughout the country of all integrated policies related to prevent violence against women, protect victims and investigate and punish perpetrators.
- Increasing the resources allocated to the Department for Equal Opportunities to ensure that a clear focus on women's rights is maintained (...)
- Strengthening coordination between the various components of the national machinery by clearly defining their mandates and responsibilities in relation to women's rights, conduct regular monitoring and evaluation of such coordination and ensure that the national machinery is represented at the regional and local levels.

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

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

The lack of harmonization between criminal and civil protection measures leads to secondary victimisation: orders and decisions by criminal judges are not automatically taken into consideration by the civil juvenile judges involved in divorce and child custody cases. In particular, in civil courts,

women are often sanctioned and sentenced to damage compensation as they are considered responsible for the bad relationship between father and children.

This approach, which often uncritically accepts psychological expert opinions requested during civil proceedings, is discriminatory against women because, as recognised by the CEDAW Committee it: “a) stigmatizes women for Parental Alienation Syndrome (PAS); b) ignores the will of the minors involved; c) exposes minors to psychological expert examinations that often force them to meet their fathers; d) fathers are rarely sanctioned for violating their parental duties.” Children witnessing violence is a condition rarely considered in civil courts when defining custody rights of violent men, in violation of article 33 of the Istanbul Convention. Mediation is not expressly forbidden in cases of violence against women, and its use is widespread in all custody cases, without considering father’s violent record.

Finally, women belonging to groups in vulnerable situations are exposed to greater risk of violence and multiple forms of discrimination, and they encounter greater difficulties in accessing the justice and protection systems, which are not equipped and trained to understand the complexity of their situations.

## Recommendations

- Ensure the implementation of the CEDAW recommendations to:<sup>11</sup>
  - Take all necessary measures to discourage the use of the “parental alienation syndrome” by experts and by courts in custody cases.
  - Adequately address the consideration of the specific needs of women and children to determine child custody in cases involving gender-based violence in the domestic sphere.
  - Set up a mechanism to take into consideration the disparity in the earning capacity and the human potential between the separating spouses, given the woman's higher investment in the child-care and home work at the expense of her career.
  - Adopt legislation to guarantee the even implementation of services and rights to all Italian children in all districts when the father fails to pay child maintenance.

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<sup>11</sup> See CEDAW/C/ITA/CO/7, July 2017, Paragraph 52

## Sexual and reproductive health and rights

From 2009 to 2017, investments in health have increased by a meagre 0.6%, with a loss of 70,000 beds and a radical block of turnover. Women's access to health, especially those belonging to disadvantaged groups, has been negatively impacted by a number of factors, such as a) the reduction in public funds allocated to health-care and the partial privatization of the sector; b) the regional disparities in the provision of the essential level assistance; c) virtual total absence of sex education and contraception campaigns in public health policy and measures. Contraception campaigns simply do not exist. Initiatives for sex education in schools are anecdotal at best, and the propaganda against the presumed gender ideology prevents any foreseeable change of direction, despite the alarming situation. Knowledge about the variety of contraceptive approaches is ridiculously absent. Italy is placed at the bottom of the list of European countries for hormonal contraceptive use.<sup>12</sup>; d) the reduction of funds in the area of prevention of sexually transmitted diseases, in particular HIV/AIDS;<sup>13</sup> e) the patchy application of the law on voluntary termination of pregnancy (VTP) in the various regions of the country. There are regions where it is not possible to access reproductive health rights and, in particular, VTP. The situation is worse with regard to access to the medical VTP method; f) the limited availability of, and accessibility of services for voluntary termination of pregnancies (VTP) due to the significant number of health personnel who object on conscientious grounds to carrying them out, and the lack of health centres providing these services, leading pregnant women to undergo unsafe abortions.<sup>14</sup> Almost 7 of 10 Italian doctors (68.4%) refuse to carry out abortions on 'conscientious objection' grounds. Despite the fact that the European Committee for Social Rights of the Council of Europe has twice recognised the virtual non-application of the law 194/78 due to the public health system caregivers' objections, past and current governments have not undertaken any credible action to ensure access to legal abortions. At the same time, according to the Italian Society for Migration Medicines women section (SIMM), a mounting trend of migrant women in Italy are resorting to illegal forms of abortions has emerged in different parts of the country.

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<sup>12</sup> Only 16.2% of women make use of contraceptives - the EU average is 21.4%. Around 42% of women under 25 used no contraceptive methods at all during their first sexual experience according to a recent survey conducted by the Italian Society of Gynecology and Obstetrics-SIGO.

<sup>13</sup> Yearly, there are 3,500 – 4,000 new HIV/AIDS cases diagnosed in Italy, with the highest increase among those between 25 -29 years old

<sup>14</sup> In 2017, a total of 80,733 abortions were reported, confirming the constant declining trend (minus 4.9% compared to 2016 and minus 65.6% if compared to 1982, the year of the highest incidence of abortions in Italy).

## Recommendations

Implement the CEDAW committee recommendations to Italy on women and health<sup>15</sup>, including by :

- Increasing the budget allocated to the health sector in order to ensure the full realization of the right to health, including sexual and reproductive health and rights, for all women and girls and the essential level assistance are evenly provided across the various regions of Italy.
- Ensuring the full application of Act No. 194/78 across Italy, including by identifying existing hindrances and adopting a procedure common to all provinces in order to guarantee access to abortion services and appropriate referral services, and ensure that the exercise of conscientious objection by healthcare personnel does not pose an obstacle for women who wish to terminate a pregnancy.
- Ensuring access to free and new generation of contraceptive for women, including the application of IUC (intrauterine contraception) and free subcutaneous, covered by the National Health Service and also provided to migrant, asylum seeker and refugee women.
- Raising the budget allocated to the prevention of sexually transmitted diseases, in particular HIV/AIDS.
- Promoting sexual and reproductive health education and awareness-raising campaigns.
- Ensure that all staff in the *Aziende Sanitarie Locali* (ASL) (territorial health units) be trained according to an intercultural approach on FGM, forced marriages, trafficking in human beings and other harmful practices.
- Relaunch and strengthen basic health services, and family-care territorial health units, providing adequate funding.

## Environmental disasters and women's health

In a country endowed with considerable environmental problems, such as the ILVA steel plant in Taranto, and the presence of areas of toxic waste discharge, such as the so-called Land of Fires (*Terra dei Fuochi*), there is no official gender-specific analysis of the impact and the health risks caused by environmental disasters nationally. Informal epidemiological data related to recent environmental contaminations show that women are particularly vulnerable to such events, especially with regard to their reproductive health and during pregnancy. This impact, of course, does not spare children and

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<sup>15</sup> CEDAW/C/ITA/CO/7, July 2017, paragraph 42.

the entire population of the regions affected, as it is well documented. No measures have been adopted to address this situation despite the principle of precaution enshrined in European norms.

## Recommendations

- Ensure that national health policies be designed paying attention to the social and environmental determinants of health and gender.
- Ensure that policies be fully implemented in all contaminated areas of the country and aim to avoid environmental contamination and negative health impacts, particularly on women's reproductive, neonatal and child health.
- Carry out official scientific research with data on heavily contaminated areas and make it publicly available.

## Women's access to work and welfare

The recognition of full equality between men and women is laid in Articles 3, 4, and 37 of the Constitution. However, women continue to earn less than men, and the government has not enacted yet any measure to try to overcome the gender pay gap.<sup>16</sup> These wage differences also have a major impact on women's choices forcing them to choose between the private and the professional sphere, choosing a part time job or staying home if their partner earn more (as it is usually the case.)<sup>17</sup> Traditional gender roles and stereotypes limit not only women's access to the labour market and ability to keep their job, but also create barriers to their career development. Many young women, even when highly educated, are confined to low quality and precarious jobs,<sup>18</sup> something that prevents and

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<sup>16</sup> The female employment rate 15-64 years in 2017 was 49.1% and, since the male employment rate was 67.1%, the gender employment gap in 2017 stood at 18 points. According to the report of the World Economic Forum 2017 on the gender pay gap, Italy ranks 82 out of 144 countries. The estimated pro capita income of women is US\$26,273 against US\$50,682 for men with a high incidence of part time jobs for women. In 2016, 25.9% of women, especially young women, were not included in the labour market, against 18.2% of men, and there were strong local variations: in 2016, the gender differential moved from 5.3 points in the North, to 5.8 in the Centre, and 14.3 points in the South, where the unemployment rate was 31.0% for men and 45.3% for women. Women seeking employment -12.8% - as well as those immediately ready to work are considered in this figure.

<sup>17</sup> The difficulty of women's participation in the labour market remains closely related to family burdens. In fact, in the second quarter of 2017 the employment rate of 25-49-year olds is 81.1% for women living alone, 70.8% for those living in couples with children and 56.4% for mothers. Some 32.4% of women are employed part-time.

<sup>18</sup> Female employment remains at the same levels as in the last decade although slightly improving with significant differences, both regional (in the North 59.4%, in the South 32.3%) and in family structure, and in educational qualifications (29.8% for those with a school-leaving certificate, 73.3% for graduates) and in age classes. Even when employment is obtained, women experience more often and for longer periods of time precarious situations.

hampers long-term life strategies and choices, including motherhood. Women in their 40s and 50s who find it hard to find a new job often end up in low quality and precarious jobs too. Migrant women are particularly affected. Difficulties for women to enter the labour market are related to structural weaknesses that, in turn, are also the result of traditional welfare policies<sup>19</sup> and organization of services. These weaknesses are expected to be counterbalanced by informal family support systems. However, families are left to fend off for themselves in absence of adequate and effective welfare policies. Single-parent<sup>20</sup> and “rainbow” families fare even worse. The current family based social protection should instead be replaced by a welfare system based on universal social protection system as it would also allow to fully include single women of every age.

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

## Recommendations

- Undertake appropriate government policies and sanctions to appropriate government policies to eliminate gender pay gap in in the labour market.
- Report to Parliament on the state of the gender pay gap (GPG) and the pension gap;
- Ensure major social protection to women working in precarious job and precarious working conditions.
- Improve policies for work/life balance, including by:
  - increasing the provision of services for children until 3 years to a coverage of 33% throughout the country, as indicated for 2010 in the objective set by the European Council of Lisbon 2000, and make them free of charge as part of the universal right to education.

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<sup>19</sup> Maternity leave amounts to 150 days against a single day for paternity leave.

<sup>20</sup> Almost 10million of women with children are alone and should face between family and work: 43.2% of women between 25 and 49 years with minor children is unoccupied, and a poor network of services for early childhood forces a good part of 40.9% of mothers with at least one child to choose a part-time regime even if continue to have a job. In 2016, the absolute incidence of poverty among families with a woman as household head was 6.1% (5.4% in 2014), while the corresponding indicators among households with a man is 6.4 % in 2016 (5.9% in 2014). It confirms the plight of single mothers with children: 85% of single-parent families in absolute poverty has a woman as the central figure. For this family type, the incidence of absolute poverty is growing, going from 6.7% in 2015 to 8.1% in 2016.

- increasing pay for parental leave from the 30% to 65% of the salary to make it more widely used;
- increasing obligatory paternity leave for men and monitor whether women's leaving work at the birth of children is a voluntary decision and report to Parliament on this.
- Redefine the welfare system from a gender perspective, so as to move from the present family-oriented Mediterranean model to a universal one.
- Duly consider the importance of the experience of the Equality Counsellors at all levels (national and local), making it a priority once again to make them independent of political powers, partly through proper financing as envisaged by the law that established them (Decree 196/2000).

## **Concerns around trafficking, gendered impacts of the response to migration flows**

Women belonging to groups in vulnerable situations are exposed to a greater risk of suffering multiple forms of violence and discrimination both as women and as members of, for example, migrant communities. and they encounter greater difficulties in accessing the justice and protection systems, which are not equipped and trained to understand the complexity of their lives. In 2017 the CEDAW Committee expressed concerns about the prevalence of trafficking in women and girls in Italy and their subsequent forced prostitution, especially in the context of migration flows.<sup>21</sup> Given the prevalence of women among victims of trafficking, it is crucial to develop stronger coordination between the implementers of the 2016 National Plan of Action on Human Trafficking and those of the National Strategic Plan on male violence against women 2017-2020.

At the moment, early identification, support and protection for all victims of trafficking are at serious risk of being gravely restricted due to the so-called *decreto sicurezza* (security decree). Available data already give an idea of the scale of violations that new decree will trigger, since in 2017 a majority of asylum seekers were granted humanitarian protection.<sup>22</sup> Further, the United Nations High

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<sup>21</sup> In 2017 the total number of newly assisted victims of trafficking in human beings (THB) was 1,050 (of whom 85.6% were female); 121 (11.5%) of the victims were children. In 2018 (up until 16 October 2018), there were 569 newly assisted victims (of whom 92.6% were female); 42 (7.38%) of the victims were children. The main countries of origin of the victims in 2017-2018 were Nigeria, Romania, Morocco, Bangladesh, Pakistan, Albania and Bulgaria.

<sup>22</sup> According to ISMU (Foundation for Initiatives and Studies on Multi-ethnicity), out of the 81000 requests for asylum examined in Italy in 2017, 16.8% yielded international protection; 8.4% of asylum seekers have obtained refugee status, 8.4% received subsidiary protection, while 24.7% of asylum seekers qualified for humanitarian protection.

Commissioner for Refugees noted that a newly introduced additional security-oriented piece of legislation, decree DDL 53/19 of 15 June 2019 - which curtails and penalizes non-authorized rescue at sea operations - is in breach of international law in particular of the principle of non-refoulement. It is reasonable to expect that this law will also reverberate negatively on the rights and protection entitlements of victims of trafficking in human beings.

## Recommendations

- Ensure that:
  - victims of trafficking be quickly identified and their rights upheld, including access to residence permits, justice, health services, food and adequate lodgings.
  - well-trained staff who possess a gender perspective are available throughout the migrants' reception processes in order to achieve early identification and protection of women who have survived gender-based violence, including human trafficking.
  - All those authorities involved in processing migrant women's status are fully aware of the legislation enshrined in Article 18-bis of Law 119/2013, which covers the matter of residence permits for victims of domestic violence.
- Implement the recommendations on women refugees and asylum seekers made by the CEDAW committee in 2017, "including in relation to gender-appropriate, individual screening and assessment procedures, adequate reception standards for refugees and asylum seekers, with particular attention to the needs of women and girls, strict observation of the principle of non-refoulement, support to civil society organizations working with women refugees and asylum seekers, and allowing rescue boats of NGOs to dock in Italian ports and allowing those rescued to disembark."<sup>23</sup>
- Implement the recommendation to ensure the effective implementation of the law to combat undeclared work and labour exploitation in agriculture.<sup>24</sup>

## NAP on UNSCR 1325, Women, Peace and Security

Italy is implementing its third National Action Plan for the implementation of the Security Council resolution 1325 (2000) and subsequent related resolutions (NAP 1325), which covers the period 2016-2019. Although Italy's commitment to Women Peace and Security agenda is welcomed, the NAP

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<sup>23</sup> CEDAW/C/ITA/CO/7, July 2017, paragraph 16.

<sup>24</sup> CEDAW/C/ITA/CO/7, July 2017, paragraph 40.

1325 presents several gaps. For instance, it does not define means to support women working in communities promoting alternative peace-building models and working on sexual and gender-based violence in conflict-affected contexts.

The Ministry of Foreign Affairs uses a top-down approach and promotes only one activity involving women from abroad. We know from practice that, even if all women are key factor to promote and facilitate peace, women rights and security in conflict areas, it is not sufficient to involve only high-level women and experts as representatives of the full society. We believe it is important to collaborate and support female community-based work to rebuild societies, protect women against violence and promote the voice of women human rights defenders from conflict areas in dialogues and mediation activities while applying a gendered human rights approach. Furthermore, actions under the NAP 1325 are mainly focused on training courses carried out in Italy for Italian students and professionals without the possibility to monitor the impact of such activities. Finally, Italy's NAP 1325 does not address the issue of Italy's arms transfers and their impacts on gender-based violence in importing countries.

## **Recommendations**

- Promote actions directly between Italian women's organizations and women's organizations in conflict-affected areas towards conflict prevention and promotion and protection of women's rights in all phases of the peacebuilding process (e.g. peace negotiations, disarmament, demobilization and reintegration (DDR), election processes, reconstruction programs, institutional reforms).
- Support the participation of local women in peace processes, particularly with regard to activities of prevention, negotiation, mediation, and ensure regular consultations with civil society working in the field so as to promote a collaboration on the implementation of UNSCR1325 that is effective and permanent.
- Mainstream the Women, Peace and Security agenda in domestic policies, particularly with respect to women asylum seekers and refugees in Italy, including by promoting policy coherence in the implementation of the SDGs.
- Ensure specifically allocated, sufficient and sustained funding for the implementation of the upcoming new NAP 1325, with detailed roles and responsibilities for implementation of various ministries and agencies, independent monitoring with clear indicators, and make public and transparent information on calls for funding applications and how the funding is spent.
- Ensure that the issue of the impact of Italy's arms transfers and of the proliferation of small and light weapons on gender-based violence are fully addressed in the next NAP 1325.

## Human rights impact of Italy's arms transfers

Italy has been the 9<sup>th</sup> largest arms exporter for the period 2014-2019. It has concluded, among others, arms export agreements with Niger,<sup>25</sup> and with countries involved in the Yemen conflict, including Saudi Arabia and the UAE. Arms transfers have a well-documented and multi-faceted impact on human rights, with women and girls being particularly affected, including by the use of explosive weapons in populated areas. Parties in the Yemen conflict use heavy explosive weapons, including aircraft bombs, rockets and artillery, to carry out attacks in, on and around residential areas and civilian objects. In October 2016, an airstrike allegedly by the Saudi-led military coalition struck the village of *Deir Al-Hajari* in Northwest Yemen, killing a family of six, including the pregnant mother and four children. At the site of the airstrike, remnants of the bomb were found, including a suspension lug manufactured by the Italian company RWM Italia S.p.A. In 2018, civil society organisations filed a criminal complaint with the public prosecutor of Rome against the company's managers and senior officials of Italy's national authority in charge of authorising arms transfers.<sup>26</sup> In September 2019, in its report to the Human Rights Council, the GEE on Yemen<sup>27</sup> reiterated a recommendation to States to prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to parties to the conflict in Yemen.<sup>28</sup>

In 2017, the CEDAW Committee expressed concerns about Italy's arms exports, including to conflict zones, and on the absence of a specific mechanism for gender-based violence risk assessments and made specific recommendations in this regard.<sup>29</sup>

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

<sup>26</sup> For more information, see joint submission for the Universal Periodic Review of Italy, with Fondazione Pangea onlus, Associazione Trama di Terre onlus, Filomena – La rete delle donne, and Unione Donne in Italia, paragraphs 15 – 25, available at [https://www.wilpf.org/wilpf\\_statements/joint-submission-for-the-upr-of-italy/](https://www.wilpf.org/wilpf_statements/joint-submission-for-the-upr-of-italy/)

<sup>27</sup> Group of Eminent International and Regional Experts (GEE)

<sup>28</sup> "Considering the prevailing risk that arms provided to parties to the conflict in Yemen may be used to commit or facilitate serious violations of international humanitarian law and international human rights law, States should prohibit the authorization of transfers of, and refrain from providing, arms that could be used in the conflict to such parties", paragraph 933 of "Situation of human rights in Yemen, including violations and abuses since September 2014, Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen", UN index: A/HRC/42/CRP .1.

<sup>29</sup> See, for example, <https://www.wilpf.org/cedaw-committee-recommends-more-stringent-regulation-of-italys-arms-exports/>

## Recommendations

- Suspend immediately arms transfers to countries involved in the coalition in Yemen and to any other country where there is a risk that arms might be used to facilitate or commit serious violations of international human rights law and international humanitarian law.
- Implement the CEDAW Committee's recommendation<sup>30</sup> to:
  - harmonise the legislation regulating arms export control with Art. 7(4) of the ATT and the EU Council Common Position.
  - integrate a gender dimension into its strategic dialogues with countries purchasing Italian arms and that, before export licences are granted, comprehensive and transparent assessments be conducted of the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.

## Women spaces

The survival of women's hard-won spaces in Italy now under threat is a key issue. In particular, the *Case Internazionale delle Donne* which is at risk in Rome<sup>31</sup> can have nation-wide implications and may set an example for the rest of the country. Women's organizations in Rome have often played a catalyst role in the advancement of women's rights in Italy. Actions that place them in jeopardy have already reverberated negatively in other parts of the country.

## Recommendations

- Ensure that challenges and attacks against independently managed woman's spaces cease and that relevant legislation, including that concerning the social sector, is applied to preserve the viability and sustainability of their operations.
- Recognize the social value of the work performed in women's spaces with dedicated legislation and financial resources.

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<sup>30</sup> CEDAW/C/ITA/CO/7, July 2017, recommendations on Women and peace and security, paragraphs 19 and 20.

<sup>31</sup> We also recall the Renata Fonte centre in Lecce threatened with closure by the city, the Centro Antiviolenza of Viareggio, the Centro Antiviolenza and Casa delle Donne Lucha Y Siesta in Rome.