



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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Held at Headquarters, New York,
on Tuesday, 15 July 1997, at 3 p.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 3.35 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Italy (continued) (CEDAW/C/ITA/2 and CEDAW/C/ITA/3)

1. At the invitation of the Chairperson, Ms. Finocchiaro and Ms. Giammarinaro (Italy) took places at the Committee table.

2. Ms. FINOCCHIARA (Italy) said that her Office (the Office of the Minister for Equal Opportunities) had created a central unit to coordinate all the bodies which were or could be involved in women's issues. Immigrant women, who worked in the agricultural sector and were often exploited, under the caporalato system, were of particular concern. The problem was linked to that of unregistered workers. One solution would be to allow unregistered labour, especially immigrant women, to register in order to be protected. In the meantime, it had been decided to introduce incentives for unregistered companies to become registered, declaring their activities and the number of workers they employed. The possibility of providing tax rebates to working women who hired immigrant women to work in the home, thereby lowering the costs of home help and encouraging registration of immigrant workers, was also being contemplated.

Article 16 (continued)

3. Ms. GIAMMARINARO (Italy) said that currently only married couples could adopt children; any change in the legislation was very controversial as it would signify recognition of non-traditional forms of family relationship. However, recognition of The Hague Convention on inter-country adoption, 1993, which was under discussion, might open the way to an amendment in the adoption laws.

4. The reform of the 1975 law placed the legal situation of children born out of wedlock on an equal footing with legitimate children, except for certain marginal aspects concerning succession rights. Natural children could be recognized by one or both parents and had the same rights as legitimate children in regard to maintenance and education.

5. In cases of separation, a spouse without means of subsistence had the right to receive alimony or child support. However, a judge could decide which of the two spouses was responsible for the separation and that person would lose the right to alimony. The provision usually penalized women, as they were generally less financially secure than men, and single-parent families were at risk of poverty. Legislation was being prepared to protect the weaker spouse and to introduce new provisions regarding alimony. In the case of an employed person, it was possible to require the employer to pay part of the salary directly to the spouse receiving alimony; however, a self-employed spouse could cancel earnings. Family associations were working to find a consensual solution to the problem of unpaid financial obligations.

6. Ms. JAVATE DE DIOS said that the Italian representatives' answers to the Committee's questions had provided a better understanding of the political and historical context of the most recent policies on women. Referring to the paradigm shift in the role of women in Italy, she expressed her concern that there appeared to be a reluctance to prioritize the introduction of numerical goals and quotas in the spirit of article 4 of the Convention and stressed that quantitative goals were a necessary complement to other gender mainstreaming efforts.

7. Ms. HARTONO said that it would be useful to learn how the new Minister for Equal Opportunities was working with other Ministers who had recently received directions from the Prime Minister to focus on the gender issue in their respective fields. Was she required to take special steps in the fields of health, immigration or labour or was she merely expected to play a coordinating role? It would also be interesting to hear what had prompted the Government to set up the Ministry and whether it was a former office of equal opportunities which had been upgraded.

8. The report stated that in Italy there had been a shift from providing protection to ensuring equal opportunities, and it would be useful to know whether or not that statement referred solely to opportunities in the workplace. Also, it would seem evident that those who did not benefit from equal opportunities still required protection. The report seemed to reflect that in times of economic difficulty, women were allowed to work outside the house and attain high positions, but, when the economy improved, discrimination tended to increase as there was greater competition for available jobs. According to the report, certain types of promotion in the judiciary were based not only on seniority but also on the number of years served in a given post; that practice appeared to be disguised discrimination, as it usually favoured men.

9. Ms. ACAR observed that Italian women had made impressive gains in a number of areas, especially in education and the professions. However, their advancement was less notable in politics and decision-making. Women were increasingly better educated and more empowered in Italy, but gender stereotypes were not changing at the same rate as in some countries. Moreover, certain aspects of the stereotypical family role of women, in particular, the caring responsibilities, were reinforced and even glorified by the State's attitude and policies. As in other European Union countries with an ageing population, there was a tendency to pass all responsibility for caring for old people to women instead of considering it a societal obligation which should be shared equally by men and women. That situation gave cause for alarm because, far from promoting the redistribution of such responsibilities between men and women, the attitude and policies in question placed a double burden on women. Early retirement for women was a further sign of the State's expectation that women should be the primary care-givers.

10. What happened in Italy had an influence on the gender policies of other countries with regional or cultural commonalities, and a lessening of responses to gender inequality would have repercussions throughout the region. Lastly she wished to know why there was no mention of the participation of non-governmental organizations, especially women's associations, in the preparation of the report.

11. Ms. Yung Chung KIM said that she was very impressed by Italy's third periodic report, which explained the logic and reasoning behind the policies and actions that had been taken in the interests of women in Italy. She particularly welcomed the mainstreaming of gender-perspective issues into all government policies and the profound change that had taken place in attitudes. It was commendable that women in Italy had achieved an appropriate degree of self-assertiveness and a sense of identity. Greater support should be given to the role of women in peacekeeping and peacemaking, since women could certainly contribute to conflict resolution and help alleviate tension between population groups and nations.

Article 2

12. Ms. CARTWRIGHT requested additional information on direct and indirect discrimination. She wished to know, for example, whether the Italian Constitution prohibited actions or policies by public or private bodies that had either the intent or effect of discriminating against women. Experience showed that the drafting of constitutional provisions or legislation to combat indirect discrimination could be extremely complex and sometimes defeated the purpose of such provisions or legislation. There was a need to sensitize lawyers and the judiciary to the international obligations that Italy had assumed by ratifying the Convention on the Elimination of All Forms of Discrimination against Women and other international conventions in order to clarify the relationship between international and domestic law. Without such sensitization, the Constitution and the law were often interpreted too narrowly, particularly in the area of indirect discrimination.

13. Ms. FERRER said that, according to the second periodic report, the equality adviser of the Central Employment Commission participated in the National Committee for the implementation of the principles of equal treatment and equality of opportunity between male and female workers, and she requested information on the impact of that participation. The third periodic report indicated that such advisers existed at the national, regional and provincial levels, although not in all regions or provinces. Most equality advisers had complained that they did not have sufficient staff to enable them to carry out their duties, and she wished to have more information on the kind of staff needed by the advisers. She inquired about the number of cases brought by equality advisers and the results. She asked whether equality advisers received special training in dealing with gender-related issues, and how many of those advisers were women.

14. Ms. AOUIJ commended the efforts of the Italian Government to combat all forms of racism, xenophobia and discrimination, especially against immigrants and their children. She suggested that Italy should encourage the European Union and its decision-making bodies to use the Convention as a reference document and to consider its provisions as objectives to be attained in the field of women's rights by all countries members of the European Union.

Article 3

15. Ms. OUEDRAOGO said that, when she had read the second periodic report, she had realized that, although it was part of the Office of the Prime Minister, the

National Commission for the Achievement of Equality between Men and Women did not have the necessary autonomy to deal with all the challenges facing it. Moreover, the report did not provide a clear profile of the members of the National Commission. The establishment of the Office of the Minister for Equal Opportunities would ensure Italy's further progress in the area of women's rights, and Italy should serve as a model for other countries in that field.

16. The CHAIRPERSON said that she was concerned about reports of the ill-treatment of prisoners by police and excessively long pre-trial detention periods, as well as dangerous trends towards racism, particularly vis-à-vis immigrants and minorities. Italy had an immigrant worker population of approximately 1 million, of which 48 per cent was female. In that regard, she wished to know the number of female prisoners currently in detention and what kind of facilities existed for them.

17. According to the third periodic report, women were reluctant to report domestic violence. In that connection, she inquired whether the Italian media had ever tried to make women and the general public more aware of that problem and whether law-enforcement agencies and medical personnel received sufficient training in that area. She wished to know what kind of image of women was projected by the Italian media, which were heavily controlled, and how that image differed from the image put forward by the Government. She requested information on the percentage of women in the mass media and the number of private television channels.

Article 4

18. Ms. GONZALEZ, drawing attention to paragraphs 19 to 24 and 30 and 36 of the third periodic report, said that the decisions of the Italian Constitutional Court and the European Court of Justice referred to in those paragraphs were consistent with opinion that opposed the use of quotas for the political participation of women in elections. Paragraphs 23 and 24 provided two interpretations of the Italian experience, the second of which suggested that deeper changes were needed. She requested the Minister for Equal Opportunities to express her views on the kind of changes that should be implemented. In her opinion, it was necessary to eliminate the social stereotypes that had enabled men to wield power in the political, educational and economic fields; that could be achieved only through constant efforts to educate and inform the population with a view to promoting a change in mentality.

Article 5

19. Ms. CARTWRIGHT said that it was important to encourage women to complain to the police and go to court when they were victims of sexual or family violence so that male perpetrators would understand that such offences did not go unpunished. In that regard, she asked whether there were any measures to encourage women to come forward with the assurance that the court hearing would be private, their names and other identifying details would not be divulged and that they could be accompanied by a friend. The police and the judiciary should be sensitized to the need to ensure that the public understood that such behaviour was unacceptable and would not be tolerated in a civilized society. She wished to know whether there was a time-limit on bringing such complaints to

the police and the courts, since in many countries such complaints were delayed for many years for a number of reasons. She inquired whether any research had been done on the incidence of sexual and violent assaults against young children, particularly girls, and requested information on paedophilia in Italy.

20. Ms. JAVATE DE DIOS asked whether any research had been done on violence against women, particularly migrant women. Many migrant women worked in occupations that were unprotected, unregistered and not monitored by the Government, and she inquired whether legal and health benefits were available to such women. She wished to know what measures Italy had taken to educate the public in general and families in particular about the positive role of women, eliminate stereotypes and promote a change in attitudes towards women.

21. Ms. FERRER said that it was not clear from the report and the delegation's oral presentation whether there had in fact been any public debate on the issues of gender stereotypes and the role of women in the family and society at large. She wondered, in particular, whether women members of the national parliament and other women in leadership positions had initiated such a public debate not only to increase the effectiveness of their own work but also to raise the consciousness of women in general. The debate, which should also cover the issue of domestic violence, should take place as soon as possible, so that future generations would be spared current stereotyping.

22. Ms. JAVATE DE DIOS expressed satisfaction at the steps taken by the Government of Italy to criminalize the ownership, management and letting of houses of prostitution.

23. Ms. BUSTELO GARCÍA DEL REAL observed that Italy's plans for implementation of the Beijing Declaration and Platform for Action made no mention of measures to eliminate trafficking in women and forced prostitution or to increase public awareness of those practices. Migrant women from developing countries were the most common victims of such abuse and special programmes must be instituted to address the situation. She hoped that in its next report Italy would update the Committee on the progress made towards the effective implementation of its legislation to combat trafficking in women and forced prostitution.

Article 7

24. Ms. BUSTELO GARCÍA DEL REAL asked what had been the reaction in Italy to the recent decision of the Constitutional Court to limit remedies for discrimination to compensation for the material harm caused. She wondered, for example, whether changes in the electoral laws were contemplated and whether minimum quotas for women candidates in the electoral lists of political parties had been proposed.

Article 10

25. Ms. JAVATE DE DIOS noted that textbooks were one way of perpetuating gender bias. She would welcome information on the steps taken to introduce and institutionalize women's studies programmes in academic institutions and to sensitize school teachers and other educators to gender and human rights issues.

She also wished to know whether any efforts were being made to promote the integration of migrant children into the mainstream of Italian society.

26. Ms. Yung Chung KIM expressed disappointment at Italy's failure to revise its school textbooks with a view to promoting gender equality and the empowerment of women. Such a task was best done through the formal education system. She wondered whether women's movements and feminist groups had taken any initiatives in that area.

Article 11

27. Ms. BARE sought additional information on the oversight body which the Office of the Minister for Equal Opportunities proposed to create for the better coordination of programmes aimed at promoting entrepreneurship among women and easier access to credit for self-employed women. She wondered whether other institutions were also engaged in promoting self-employment among women and thereby contributing to the country's overall economic growth and to job creation. In that connection, she wished to know how many jobs had been created by women entrepreneurs and in which sectors. With regard to the sharing of family responsibilities, she was disturbed by the fact that only 0.4 per cent of working men also assumed responsibility for work in the home. It would be interesting to learn whether the oversight body proposed to monitor trends in that area. Lastly, she expressed satisfaction at the role played by Italian women in peacekeeping operations and the hope that, with the participation of women, human rights abuses of the type alleged to have been committed by Italian soldiers in such missions as the United Nations Operation in Somalia (UNOSOM) would not occur in future.

28. Ms. BUSTELO GARCÍA DEL REAL asked whether the Italian Government proposed to conduct any study of non-remunerated work, as recommended in the Beijing Declaration and Platform for Action. With regard to the organization of work time, it would be interesting to compare the numbers of men and women engaged in part-time work both in and out of the home. She hoped that in its next report, Italy would update the Committee on recent trends in that area.

29. Ms. AOUIJ noted that the wrenching economic changes brought about by the phenomenon of globalization and the end of the welfare State made it imperative for States such as Italy to adopt social policies that would guarantee education, health coverage and employment opportunities, especially for women. She wondered what measures had been taken by the Office of the Minister for Equal Opportunities to promote equality for women and to combat discrimination against them in the field of employment and career development and whether it could quantify the results of its efforts to increase women's access to technology and credit, which were important tools for their empowerment. She would also welcome information on the numbers of men and women engaged in part-time work and whether legislation was in force to provide social welfare and health benefits to migrant women.

30. Ms. JAVATE DE DIOS asked whether there were quotas limiting the number of migrant women permitted to work in Italy and what criteria were used for the granting of work permits. She also inquired whether workers who were unregistered could be penalized and how they were otherwise treated. It was her

understanding that migrant women performed tasks in Italy which local women shunned. There was therefore a risk that migrant women could become trapped in occupational ghettos, even though they might hold professional and other occupational qualifications. She wondered what steps were being taken by the Government to integrate such workers into the labour force and what types of training programmes were available to them. With regard to sexual harassment in the workplace, she wondered whether that subject had been taken up by trade unions, whether there were laws against sexual harassment and whether the Government had taken any action to increase public awareness of the problem.

Article 12

31. Ms. ABAKA noted that breast cancer ranked first in Italy among gender-specific tumours and caused approximately 11,000 deaths each year. She was therefore puzzled by the insufficient use being made of early detection screening measures, such as mammography and pap tests. The Committee would also welcome more information on why the incidence of lung cancer, which had stabilized among men, had increased sharply among women. She wondered whether there might not be some connection between that increase and the incidence of work accidents and work-related illnesses. She would welcome more information on the incidence of drug addiction in Italy and would also be interested to know why delivery by Caesarean section, which had certain adverse consequences for the life cycle of the woman, was so prevalent in Italy.

32. Ms. SHALEV congratulated Italy on its excellent oral and written reports. The type of analysis of women's health issues and the attention to gender issues in general contained in the State party's third report were worthy of emulation by other countries.

33. Noting the overlap between the question of reproductive health and women's occupational health, she urged the State party, when revising provisions relating to the protection of health during pregnancy, also to look at the impact of workplace hazards on men's reproductive health, a factor that often was overlooked. Women should not have to face exclusion from high-income jobs because they chose to avoid reproductive hazards in the workplace; society should make the workplace safe.

34. With regard to the State party's response to questions raised concerning the impact on women's health of domestic violence, she underscored the importance of training public officials and health-care professionals to identify and manage domestic violence and to provide appropriate care for victims.

35. The State party's analysis of what it referred to as the over-medicalization of pre-natal care was very instructive and she welcomed the information concerning midwifery services and opportunities for home deliveries. However, it was a matter of serious concern that legal abortion services were not available in southern Italy. Although it was generally accepted that medical professionals could not be forced to provide services which ran counter to their dictates of conscience, they should withhold such services only if they were in a position to refer the client to other health professionals willing to provide the services in a timely manner. She wished to know whether the

National Health Service reimbursed the cost of contraceptives and abortion services as well as nursing care for, and medications for the management of osteoporosis and circulatory disorders in, elderly women. She inquired how the Government was addressing the problem of the increasing number of women affected by HIV/AIDS as a result of heterosexual transmission. Noting that the manifestations of cardiovascular disease in men and women were different, she wished to know what was being done to ensure the early detection of such symptoms in women.

36. Italy was on the cutting edge of assisted reproduction technologies and she urged the State party to initiate a public debate, in particular, in the legislative branch, on the various aspects of the issue. Owing to the influence of the Catholic Church, the limitations on assisted reproduction imposed by the Government were unduly restrictive and impeded the right of women to exercise their reproductive autonomy. That was incongruous, since under the civil law, the distinction between legitimate and illegitimate children had been abolished. It was inappropriate to leave matters to private clinics, given how new and costly assisted reproduction technologies were, their low success rate, and the lack of knowledge of the long-term effects on women of the new hormonal treatments.

Article 14

37. Ms. OUEDRAOGO would welcome additional information on women in rural areas of Italy. She wondered whether the performance of the national fund which had been established to promote entrepreneurship among women had been evaluated to determine its impact on rural women. She also inquired whether women were involved in the elaboration of the policies that affected them.

Article 16

38. Ms. CARTWRIGHT, while welcoming the change in the attitude towards women in Italy and in particular the move away from the "breadwinner model", warned that men also tended to welcome that change, since they took it to mean that they could retain a greater share of their income and assets and not provide for the women in their lives. During the current period of transition in Italy, many middle-aged and older women would be unable to provide for themselves, given the difficulty of access to paid employment and other factors, such as ill health and responsibility for the care of children. The reforms should therefore provide for such arrangements as direct deductions from the income of men and the sale of estates in order to ensure that women were not left in poverty.

39. Ms. BERNARD asked whether, in determining the division of matrimonial property upon divorce, the services of the woman as wife and mother were taken into account when assessing her contribution to the acquisition of the matrimonial property.

40. Ms. FINOCCHIARO (Italy) expressed her delegation's warm appreciation to the Committee for the keen interest shown in her country's reports. Her staff in the Office of the Minister for Equal Opportunities included women representing a wide variety of views and women's groups, a factor which, although it had created some political difficulties, had proved to be a major asset. Her office

was dedicated to monitoring the impact of policies over time and focused on the impact of the Government's financial and economic policies on the employment and economic conditions of women. It was empowered to work with the various ministries to draft legislation affecting women and also could take the initiative by raising new issues for inter-ministerial consideration. Her Office was experimenting with new ways to apply mainstreaming in the context of its assessment of the general and gender-specific impact of its policies.

41. It was still too early to assess the impact of legislation adopted to combat sexual violence. A statistical survey currently in progress showed that a very high percentage of women victims did not pursue their complaints. However, the number of women filing complaints had increased in recent years. A new law to combat sexual violence adopted in February 1996 incorporated provisions to protect the privacy of victims, and such protection was particularly strong where the victim was under age. At the European Union Ministerial Conference on the question of trafficking in women for the purpose of sexual exploitation, her Government had voiced its very strong abhorrence of forced prostitution, which was a violation of the rights of women and children and constituted a form of slavery. It was imperative to coordinate international policies to combat trafficking in women, which usually was perpetrated by organized crime. Consideration also must be given to the countries of origin of the girls and women involved when addressing the problem.

40. With regard to questions raised concerning the oversight body established to monitor the state of affairs in promoting women's entrepreneurship, she said that the purpose of the project was to determine whether women's businesses remained in existence over time, whether jobs for women were created and good business practices were followed, and whether women received access to credit and the training needed to sustain their entrepreneurship efforts.

42. As to questions concerning the conditions affecting immigrant women, she noted that her Office had worked vigorously to promote the inclusion in draft legislation of the right to family reunification in the country of work. She reassured the Committee that an employer who required an immigrant legally entitled to work to perform unregistered work was subject to sanctions, whereas the employee was not. Italy did have entry quotas, and benefits and work permits were related to those quotas.

43. An extensive debate encompassing a wide range of secular and religious views was in fact under way concerning assisted reproduction; the current restrictions had been introduced by the previous Government. In conclusion, she said that the Convention provided the countries of Europe with appropriate guidelines to help them to achieve genuine unity.

44. The CHAIRPERSON, speaking on behalf of the Committee, commended the delegation of Italy for its comprehensive and frank reporting. The State party clearly had made a considerable effort to make its economy and administrative machinery more gender-sensitive, although social attitudes lagged behind in that respect. The report bore testimony to the Government's sincere efforts to ensure the meaningful participation of women in strategic decision-making, efforts which provided a model for other countries to follow. She also paid a tribute to Ms. Corti, the former Chairperson of the Committee, an Italian woman

who had made a major contribution to the cause of women's rights at the international level.

45. The Committee particularly welcomed the establishment in Italy of the National Commission on Equality and Equal Opportunities as well as the progress made towards the implementation of the Beijing Platform for Action and with respect to the mainstreaming of women's issues in all Government ministries. The Committee also highly valued the State party's contribution to international peacekeeping.

46. There were a number of concerns which the Committee hoped would be addressed in the State party's next report. They included: the particularly high proportion of women living in poverty in southern Italy; the need to ensure greater participation by women in policy-making; the excessive glorification of women's role in domestic life; the inadequate emphasis on article 4 of the Convention and the absence of quantitative goals for women's participation in political and public life; and the need to address questions relating to violence against women from a broader societal perspective which would reject traditional patriarchal attitudes. The concerns expressed regarding the detention and ill-treatment of prisoners, in particular, of immigrants, and delays in judicial proceedings, also should be addressed. The disparity between the situation of women in northern and southern Italy should be further reduced and eventually eliminated.

The meeting rose at 6.20 p.m.