



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
11 May 2005

Original: English

Committee on the Elimination of Discrimination against Women Thirty-second session

Summary record of the 682nd meeting

Held at Headquarters, New York, on Tuesday, 25 January 2005, at 3 p.m.

Chairperson: Ms. Manalo

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Combined fourth and fifth periodic reports of Italy (continued)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fourth and fifth periodic reports of Italy (continued) (CEDAW/C/ITA/4-5, CEDAW/PSWG/2005/I/CRP.1/Add.1 and CRP.2/Add.3)

1. *At the invitation of the Chairperson, the delegation of Italy took places at the Committee table.*

Articles 10 to 14

2. **Ms. Patten** recalled that, in both its report and its oral presentation, the State party had cited the growing female presence in the labour market as one of its most significant achievements. However, the Committee of Experts of the International Labour Organization had pointed out that, although more women were entering the Italian labour market, they were employed primarily on a part-time basis or in typically female sectors. In that connection, she wondered what measures the Italian Government had adopted to eliminate occupational segregation of women and men and, in particular, to promote the recruitment of women to highly skilled and senior management positions. She wished to know what steps were being taken to provide on-the-job training opportunities for women and to promote their upward mobility and also enquired as to efforts under way to encourage women and men to take jobs in non-traditional sectors.

3. She would be grateful for information about measures taken to diversify employment opportunities for women, particularly those from minority groups, and to improve their access to quality education and training. What had been done to adapt the curriculum to women's specific needs and to create a supportive environment for women entering the workplace?

4. Referring to the wage gap between women and men, which the report estimated at between 20 and 25 per cent but which, according to non-governmental organizations, could be as high as 35 per cent, she asked whether any measures had been taken to guarantee equal pay for equal work or work of equal value. Were women being made aware of the importance of collective bargaining as a right and as a useful mechanism for eliminating wage inequality and

improving working conditions? She wished to know whether any measures were in place to promote the election of female trade union officials and, if so, whether appropriate steps had been taken to guarantee their jobs and physical security.

5. She asked whether the Government had any plans to undertake a review of the salary structures in female-dominated professions and also enquired as to the measures in place to promote job evaluation schemes with gender-neutral criteria. She would be grateful for information about specific measures to ensure the compliance of the private sector with international labour laws and standards and wondered whether any steps had been taken to strengthen mechanisms for the adjudication of cases of alleged wage discrimination.

6. The establishment, pursuant to Delegated Law No. 196/2000, of a network of equality advisers was commendable and she would be grateful for additional information about the impact of their work, particularly in the south of the country, and about their activities with minority groups. What had been the impact of article 7 of the Law on affirmative action?

7. A number of initiatives intended to reconcile women's multiple roles in the family and at work had been developed and she wished to know whether the bill on a national plan for nursery schools had been passed and, if so, how its provisions were being implemented in practice. According to the report, €10 million had been allocated in 2003 to employers who had taken steps to set up nurseries. How much money had been allocated for that purpose in 2004 and how many women had benefited from such arrangements?

8. Referring to Law No. 53/2000, she said that the Committee of Experts of the International Labour Organization had expressed concern about the increasing tendency of women to accept atypical employment contracts; she would appreciate gender-disaggregated data by contract type. In that connection, she asked whether the equality advisers were monitoring the implementation of atypical contracts to ensure that women were not disadvantaged. How was the Italian Government combating the perception that part-time and flexible work was more suitable for women with family responsibilities and what measures were being taken to eliminate sexual harassment and discrimination against pregnant women?

9. Law No. 243/2004 on social benefits had been criticized for its negative impact on women. She would therefore be grateful for an explanation of the rationale behind that Law and a description of the measures in place to ensure that women with atypical employment contracts were covered by social security.

10. She welcomed the efforts of the Italian Government to promote female entrepreneurship. She would be interested to know whether any special support services were provided to women in rural areas and whether the Ministry of Productive Activities had taken any measures to enhance rural women's participation in cooperatives, microenterprises and small businesses. Had the Ministry set up any programmes to increase the self-reliance of minority groups of women, in particular Roma women, and what steps had been taken to facilitate their transition from the informal to the formal employment sector?

11. **Ms. Dairiam** said that more data was needed to substantiate the information provided by the State party and to measure the results achieved in implementing article 12 of the Convention. She expressed concern about the negative impact of privatization on women's access to basic health-care services and wished to know exactly how many women had de facto access to such services. Had any research been carried out on that question? She asked whether private health centres were obliged to provide a proportion of services free of charge and enquired about the status of the health advisory centres.

12. She would be grateful for further information about the National Health Care Plan 2003-2005 and enquired in particular whether the Plan aimed to promote all aspects of women's health, including reproductive health, in accordance with General Recommendation No. 24. In addition, she asked about the benchmarks used as indicators of women's health.

13. The Ministry of Health had established an Office for Women's Health and, in April 2002, the Commission for Women's Health had been created. She would be grateful for a description of the responsibilities and powers of those two bodies. Did health service delivery personnel receive training on gender-sensitive services and were they familiar with General Recommendation No. 24?

14. In response to concerns expressed during the consideration of its third periodic report about the high Caesarean rate, the State party had pointed out that

measures implemented in the context of the National Health Care Plan for 2002-2004 would result in a decrease in that rate. She wondered whether any statistics were available in that regard and asked why it had taken so long to implement the measures in question. She also enquired whether any steps had been taken to monitor and regulate the Caesarean rate in certain regions where the procedure was more prevalent and in the private sector.

15. She commended the Government for introducing programmes to increase the access of disadvantaged women to maternal health services but stressed the need for factual data to gauge the impact of those programmes. Data on maternal mortality rates, disaggregated by age, region and socio-economic status, must also be provided.

16. Turning to activities in the area of cancer prevention, she noted that no information had been provided on the specific functions of the three working groups on cancers. She requested statistics, disaggregated by age, region and socio-economic status, showing the number of women who had undergone cancer screening expressed as a percentage of the total female population. She also asked how screening rates for migrant and Roma women compared to rates for the rest of the female population.

17. Italy's population comprised a large number of women over the age of 60. Since, according to the report, Law No. 328/2000 provided for a demography-adjusted welfare model and the National Fund for Social Policy offered assistance to elderly people who had no other source of support, she wished to know how many men and how many women had benefited from such assistance over any given period. She would also be grateful to know how the Government was dealing with diseases affecting elderly women in the context of General Recommendation No. 24.

18. Lastly, while she welcomed the gender-sensitive approach inherent in the State party's HIV/AIDS prevention programme, she noted that the programme focused primarily on transmission from mother to child. Given that transmission between sexual partners was also a cause for concern, she asked whether the Government had launched any campaigns to educate the population on the dangers of unprotected sex and also wished to know whether HIV-positive individuals who knowingly infected others were subject to prosecution.

19. **Ms. Khan** requested a breakdown of the newly created jobs 60 per cent of which had gone to women: what were the proportions in traditional fields and in fields where women were underrepresented, what proportion had gone to minority immigrant women and to women without university education and were part-time jobs and full-time jobs paid at the same hourly rate? More details should be given about the strategies, programmes and budgetary allocations under the National Action Plan for Employment (report, p. 38) and what the Government was doing to foster the integration of women into management-level jobs, to guarantee equal pay for equal work and to remedy the regional disparities in employment.

20. **Ms. Popescu** said that she would appreciate a reply to her earlier question about the Biagi Law on labour market reform as to whether hiring women on a part-time basis had been shown to result in a discrepancy in pensions and whether men were also doing part-time work.

21. **Ms. Menichini** (Italy) said that it would be useful to clarify the context of the important ongoing reform of the Italian labour market system and welfare system. Law No. 3/2000 had imposed a revolutionary federal structure by which the national Government transferred certain powers to the regional and local (provincial or municipal) levels. Labour and welfare policies and social services were thus now assigned mainly to the regions, which programmed all action in the field, while the provinces and municipalities were responsible for implementing the regional programmes. The national Administration was still in charge of defining the essential level of services related to the nucleus of social rights.

22. Under 2003 legislation, for instance, one half of the national social funds had been transferred to the regions, which were free to allocate them according to their own social assistance targets and to transfer funds to the provinces and municipalities to carry out both the regional plan and their own local plans with fixed three-year objectives. It had been a very complicated process — provoking a 500-per-cent rise in power-sharing cases brought before the Constitutional Court — to redefine that new architecture and new forms of cooperation between institutional levels; but there had also been a very strong commitment at both the national and regional levels to use successfully such an “open method” of coordination — similar to

that of the European Commission vis-à-vis its member States —in defining common criteria and benchmarks.

23. Two Committee members had asked what the ministries were doing about services for children and ageing female workers. Yet those fields were now the domain of the regions, which were very jealous of their powers. The Government could only transfer funds and let the regions work out their own systems, setting priorities and policies, even though many regions had followed suit once the Government had in 2002 established the national childcare fund and in 2003 a fund specifically to promote childcare centres in the workplace. In 2004, a survey had been conducted by the National Family Observatory and National Childhood Observatory to assess the development of the childcare system in the country after the allocation of all resources. Responsibility for labour matters was more evenly shared by the regions and the national Government, and there was strong cooperation between the ministries and the regional and provincial authorities in developing rules for the labour market.

24. The National Action Plan for Employment and the National Action Plan on Social Inclusion — drawn up in conjunction with regional and municipal authorities to fulfil the European Union requirement for triennial reporting of national strategies within the framework of the relevant European strategies — were two of the most important policy documents Italy had adopted in recent years. They had provided the Government with tools for assessing, in 2005, the realization of the goals, which should produce much useful data. The latter Plan aimed to achieve the ambitious Lisbon Strategy targets to make the European area competitive in terms of the economy, human resources and investment in human capital, and specifically to make it the most competitive area in the world by 2010 in economic development and social cohesion. The National Action Plan for Employment, updated in 2004, was very much concerned with women’s issues and had been successful in expanding the employment of women.

25. The labour market reform under the 2003 Biagi Law also seemed to be working well, as it had introduced welcome flexibility into contracts and working conditions, but care had to be taken that it did not create new channels of discrimination against women. Both National Action Plans promoted equal opportunity as a main objective. There were chapters in the National Action Plan for Employment, for instance,

dealing with male/female employment, integration trends, improvement and support of family networks and use of the European Social Fund to achieve equality between men and women. Indeed, in Italy almost 50 per cent of its share of that Fund had been used to advance equal participation by women in the labour market. The National Action Plan further allocated over 135 billion euros — 94 per cent earmarked for use in the south — to the encouragement of entrepreneurship and self-employment, under which programme more than 12,000 applications had been received, 41 per cent from women. Financial resources allocated under 1991 legislation to encourage entrepreneurship had risen each year and now totalled over 200 million euros for over 20,000 approved projects; approximately 6 million euros were currently earmarked for affirmative action to update business organization models and train women.

26. There was a real commitment at the regional level to promote employment and equal opportunity for women. The National Action Plan on Social Inclusion had identified priorities and measures were being taken to promote employment for women, including projects to encourage business start-ups and training for women and help women re-enter the labour market, for example following a pregnancy; the various European Union equity programmes were likewise being implemented. With regard to part-time employment, she said that although the issue was controversial, at times part-time employment did seem to be a desirable option for not only women but also men. Part-time employment could be used to improve or add to professional qualifications while at the same time spending more time with the family. Available data indicated that 43 per cent of women working part-time were mothers, many had three or more children, had low or middle-level schooling and were working in the private sector or in commercial activities.

27. **Mr. Clavarino** (Italy) said a significant challenge for the education system was coping with the large numbers of immigrants; the immigrant population came from more than 165 different countries, including more established groups such as Albanians, Chinese, Spanish, Filipino, Yugoslav, Moroccan and Romanian as well as more recent immigrants, the boat people who arrived along the southern coast and with whom it was most difficult to cope. Immigrants tended to take the jobs native-born Italians no longer wanted. It was of course important to ensure students learned the skills

necessary for the labour market and a major reform of the senior high school system was under way, including review of textbooks to eliminate gender stereotyping. Although girls still tended to choose subjects such as classics, languages and social sciences, and the boys more technical and vocational subjects, the distinction was blurring and there were increasing numbers of boys and girls studying non-traditional subjects; interestingly enough, the boys and girls in non-traditional subjects tended to have better-than-average results.

28. University studies had also been reformed; in order to help those, in particular women, who did not wish to devote several years to their studies, shorter two- or three-year degree programmes had been instituted to complement the traditional longer four- or five-year courses of study. One purpose of education reform was to improve the status of women and ensure equal opportunity for all; to that end, a National Operative Programme School for Development had been established, co-financed using European structural funds. Such funds were available for projects in underdeveloped regions such as southern Italy, but he noted that with the expansion of the European Union, those funds would soon be shifted towards the more disadvantaged new member countries. In order to promote continuing education and retraining for adults, including adult women, the so-called University of the Third Age provided free instruction to women over the age of 50, in particular retired women.

29. **Ms. Iacintino** (Italy) said universal health care was available to Italian citizens and protecting women's overall health, not only their reproductive health, was a priority. The Family Health Counselling Centres, which acted as family practice centres, were an important institution for the promotion of the health of women and children including continued care as the children grew up. The centres worked with local educational institutions and social services to ensure their clients' physical and mental well-being.

30. Turning to the issue of Caesarean section, she said that the National Health Plan 2002-2004 had set a target of reducing the rate of Caesarean section to 20 per cent over the following three years by providing improved prenatal care and better training of personnel and ensuring improved cooperation with social services. As for cancer prevention, screening for breast, uterine and colorectal cancer had been free of charge since 2001. The federal and regional authorities

were cooperating fully in implementing such prevention programmes. The Ministry of Health had developed various indicators, information on which she could provide to the Committee.

31. **Mr. Serio** (Italy) said the Ministry for Equal Opportunity was committed to ensuring equal opportunity throughout the country. To that end, special scholarships had been established for regions in the south of Italy. Hundreds of applications for those scholarships had been received and many had already been approved.

32. **Ms. Schöpp-Schilling** said the Government of Italy was not alone in its decentralization efforts; many States were decentralizing responsibilities towards regional, provisional and municipal levels. She stressed however that in such cases the national Government, given its responsibility for implementation of international conventions, must ensure that the necessary mechanisms were established, and provided with sufficient resources, to ensure that all levels of government, as well as non-State actors, fully implemented the Convention. She wondered to what extent the Government of Italy had provided for such a comprehensive framework of mechanisms.

33. **Mr. Serio** (Italy) said his Government was of course fully aware of its responsibility for implementation of the Convention and was actively engaged with the regions and provinces to ensure its obligations were met. The amendment of article 51 of the Constitution had been a major first step and more would be done following consultations with the regions, provinces and municipalities in order to ensure a coherent approach.

Articles 15 and 16

34. **Ms. Gnacadja** regretted that the State party's written report contained no new information relating to implementation of articles 15 and 16 of the Convention, which involved fundamental rights; it was difficult to believe that the situation had remained unchanged since the submission of the previous report more than eight years earlier. Noting that the Italian Government's European Affairs Minister and former European Union Commissioner-designate, Rocco Buttiglione, had stated in October 2004 that the purpose of the family was to allow women to devote themselves to raising children and to live under the

protection of their spouse, she wondered to what extent such patriarchal attitudes persisted in Italy.

35. Referring to the State party's previous report (CEDAW/C/ITA/3), she asked whether it was still true that separations tended to occur in the first years of marriage (para. 200). More information on any new legislation regarding custody of children aimed at ensuring that both parents met their responsibilities (para. 205) would be welcome. In that same context, she noted that according to the previous report 40 per cent of former husbands failed to meet their alimony and child support obligations, often by concealing income and assets in order to simulate poverty (para. 203) she wondered whether the Government had implemented any measures to ensure they met their obligations, and whether those measures had been effective, especially in the light of the increase in criminal proceedings for neglect of required family support indicated in table 11.1 of the current report (CEDAW/C/ITA/4-5, p. 118).

36. Turning to the continued fourth and fifth reports (CEDAW/C/ITA/4-5) she noted the adoption of Law No. 66 of 15 February 1996 (p. 56) making sexual violence against women a crime and requested information on the number of cases prosecuted, including by the police acting alone, as well as on the much tougher court decisions in cases of violent acts against the dignity of victims, described as a significant innovation (p. 57). More information would also be welcome on the results of the first national statistical survey on violence and harassment undertaken in 1998 by the Ministry for Equal Opportunities (p. 57) and on the status of the bill specifically criminalizing female genital mutilation and increasing prison sentences even in cases where the mutilation was carried out abroad (p. 64).

37. **Ms. Belmihoub-Zerdani** suggested that the Government should set up a fund to cover the alimony and child support payments that former husbands failed to meet and then to track down the individuals concerned and withhold the relevant amount from their income.

38. **Ms. Tan** enquired about the impact of Law 66/96 on sexual violence which had been in effect for six years. She wondered whether a study had been conducted on the root causes of violence and sought information on rehabilitation or punitive programmes for the perpetrators and court decisions in that regard.

Noting that no answer had been provided to question 29 of the list of issues on measures to enforce the payment of alimony, she sought clarification of the latter half of the third paragraph under response 29 (CEDAW/PSWG/2005/I/CRP.2/Add.3).

39. **Mr. Serio** (Italy) said that in cases of divorce, while there were no specific rules as to which spouse was awarded custody of the children, in over 90 per cent of judicial cases, custody was granted to the mother. Concerning measures to ensure payment of alimony, there were both criminal and civil sanctions to enforce payment. Indeed, failure to pay alimony was an indictable offence under the Penal Code, while under civil law, the assets of a father who failed to pay child support could be confiscated to enforce such payment. Regarding the suggestion that the State should set up a fund to cover child support payments, there were certain legal obstacles that made it impossible for the State to undertake individual obligations. However, the State did provide legal assistance, free of charge, to women trying to put an end to their broken marriage.

40. The Government had set up a special office to address discrimination, including on grounds of sexual orientation or ethnic origin, and had also established a toll free hotline for foreigners who felt that they were being discriminated against. While it was true that crimes related to sexual violence had increased in the past eight years, recent studies showed that, as compared to the past, women currently felt more protected and able to report sexual violence. Furthermore, very harsh sentences had been handed down against perpetrators of sexual crimes. The very notion of sexual violence had been broadened to include minor acts that violated women's dignity. Turning to domestic violence, he noted that major amendments had been made to the Civil Code enabling judges to evict violent spouses from the family home. The Government was still considering whether it would be better to follow up criminal sanctions against perpetrators with a rehabilitation programme. It was awaiting the suggestions of specialists, especially psychologists, in that regard and would welcome any helpful suggestions from the Committee.

41. **Ms. Borgia** (Italy) said that the issue of female genital mutilation had been discussed by the Government, the Parliament, non-governmental organizations and immigrant women from countries where it was practised. A bill thereon had been passed by the Chamber of Deputies in May 2004 and female

genital mutilation would be defined as a separate crime. Awareness-raising programmes had been carried out through the broadcast and print media and a budget of 5 million euros had been allocated under the first section of that bill, which was scheduled to come up before the Senate in February 2005. There had been more changes in Italy over the past 50 years than there had ever been in any previous periods of its history.

42. **Ms. Manalo** thanked the Government for having immediately accepted the amendment of article 20, paragraph 1, of the Convention on the Committee's meeting time as well for ratifying the Optional Protocol. While the Committee welcomed the "constitutionalization" of the Convention by Italy, it was yet to receive any information on the application of the Convention in case law. The National Commission for Equal Opportunities did not seem to have much power, as most of the power belonged to the Ministry for Equal Opportunities. For the Commission to play an important role, the Government would need to strengthen its powers with significant human and financial resources. The Commission also needed to work in close collaboration with the Ministry, not only to prevent discrepancies in policies, but also to ensure the advancement of women in all fields. While she had taken particular note of the role played by the national and regional governments with respect to the National Action Plan on Social Inclusion, she believed that the Government needed to develop mechanisms to ensure that the Convention was properly implemented at all levels of Government.

43. On political decision-making, she encouraged the Government to adopt measures based on article 4, paragraph 1, and the Committee's general recommendation 25 on temporary measures with respect to article 7 of the Convention in order to increase the number of women in political decision-making, in the Parliament, judiciary and in senior levels of Government, including the diplomatic service. She commended the Government for adopting the law on sexual violence, which provided for protection orders against violent spouses. However, some other measures were needed, including increasing the awareness of women with respect to domestic violence within the family and in society as a whole, and increasing the number of shelters for women who were victims of violence. In amending or adapting its laws on violence, the Government should take into

consideration general recommendation 19 with respect to violence.

44. While she commended the Government for Law 228 on measures against trafficking in human beings, more measures were needed to prevent trafficking, in girls from Africa and other continents. The Government might wish to establish mechanisms to monitor the implementation of the law on measures against trafficking in human beings and to ensure cooperation with other countries in stopping such trafficking. Measures should also be taken to decrease prostitution in Italy.

45. The Government needed to increase measures regarding women's health, taking into account the Committee's general recommendation 24 on health, and should increase cancer screening in the near future. Sex-disaggregated data on health should be provided as well as data on elderly women receiving health assistance from the Government. The Government also needed to pay close attention to the wage gap of nearly 35 per cent, so that it could adhere to the basic principle of equal pay for work of equal value. It would have been interesting to see what measures had been put in place to ensure that the private sector complied with the provisions regarding gender equality in employment. There seemed to be an increase in sexual harassment in the workplace, but there was no indication of any action taken to counteract that phenomenon on the part of the Government. Lastly, there was a need to closely monitor the privatization of health services, including the increasing number of Caesarean sections carried out by private clinics.

46. **Mr. Sirio** (Italy) said that his Government would take the Committee's observations into account and assured the Committee of the Government's firm commitment to social dialogue as the only path to achieving the goals of the Convention.

The meeting rose at 5.10 p.m.