

Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Italy

Initial report

43. The Committee considered the initial report of Italy (CEDAW/C/5/Add.62) at its 172nd and 178th meetings, on 21 and 24 January (see CEDAW/C/SR.172 and 178).

44. In introducing the report, the representative of Italy stated that the advancement of women in Italy had started with the participation of thousands of women in the fight for national liberation, which had led first to the obtainment of political rights for women in 1945, and later to the recognition of the equality of women's dignity and responsibility in the Constitution. She said, however, that although women's equality had been recognized by law, there was still a possibility of a regression on account of cultural reasons, which could endanger the goals already achieved. For that reason, the National Commission for the Achievement of Equality between Men and Women, on which most women's associations were represented, concentrated mainly on increasing the participation of women in institutions and in society. She remarked that female voters, as a result of old stereotypes, had not given enough support to women candidates, but the recent introduction of a quota system for political parties should provide a good basis for the resolution of such a problem. Therefore, the equality commissions that had been established constituted a very efficient means of eliminating the most persistent obstacles to equality.

45. The representative highlighted several measures undertaken by the National Commission, such as the opening of a "women's window" where the public could deposit observations on the positive or negative image of women in the mass media; the inspection of school books in relation to the role played by women in history; research on women; the publication of a manual on

the legal rights of women; and the organization of a European seminar on the implications of the single European labour market for the status of women. She also mentioned a law on positive action that had been approved recently by the Chamber of Deputies with the aim of achieving equality between women and men. She cited the inclusion of positive action in some collective agreements in different occupational fields as a result of the pressure that had been exercised by trade unions. She stated that women who were involved in public life in Italy knew that they had to unite in order to achieve, as in the past, the advancement of Italian women.

46. In general comments, members of the Committee expressed appreciation for the frankness of the report, which followed closely the general guidelines, for the efforts that had been made by the country and for the personal commitment of the representative of the Government to the advancement of women. They noted that many obstacles had been identified, but considered that insufficient measures had been envisaged to overcome them and that the report did not contain enough information on the de facto situation of women. The gap between northern and southern Italy in the status of women was noted and information was requested about the current situation of women in southern Italy and specific programmes for them.

47. It was asked why the report had not been prepared by the National Commission for the Achievement of Equality between Men and Women and whether non-governmental organizations had participated in its preparation and had been informed of its contents. Members asked whether Italy had ratified the International Covenant on Civil and Political Rights and whether the National Commission had elaborated a project on the equality of women in employment and political participation. They asked why the pace of women's movements had slowed down and how the national machinery for the advancement of women was working. Clarification was requested about the term "communes" mentioned in the report. Members also requested gender-specific statistics on women in employment, education and participation in political and economic life. Clarification was also requested about what was meant by the terms "matters of honour", "shotgun marriage" and "debt of honour", which had been abolished by Law No. 442 of 1981, and to what extent the newly adopted laws had been put into practice.

48. As regards article 2, members requested more information on the law concerning sexual violence as an offence. It was asked why the amendment of the law had taken so long to go through parliament and whether it had already entered into force. With regard to article 37 of the Constitution, it was asked why women were the only parties responsible for securing the unity of the family, and whether the proposed amendments to articles 37 and 51 had already been implemented. It was asked whether Italian law allowed positive discrimination and whether any related jurisprudence existed.

49. On article 3, members asked how the work of the National Commission was coordinated with the different committees on equality, and how its achievements were being assessed. It was asked whether its National Plan of Action had been updated, to what extent it had been implemented and whether more information could be provided on the results achieved. It would be important to know whether a link existed between the Plan and various similar plans of the European Community (EEC).

50. On article 4, comments were requested on the activities of the Government to ensure a higher percentage of women in political life. With reference to the measures for the protection of maternity, the comment was made that the mandatory maternity leave of five months seemed to be too long; it was asked whether women were informed about such legislative provisions. Members asked whether the temporary special measures were limited to employment and the protection of maternity, and how effective they were, and whether there was an intention to strengthen the social infrastructure.
51. Under article 5, the research promoted by the National Commission aimed at revealing the sexist linguistic forms in the Italian language was commended. However, it was asked whether the 10 steps described in the report to abolish sexist language and stereotyping in the media had been implemented; which obstacles and difficulties had to be overcome in the process; and how progress was being monitored. A copy of the text of the parliamentary bill preventing the use of the female body in advertising was requested, and it was asked whether the advertising industry objected to that law. As regards the information manual on women's rights, which was targeted at women, it was asked whether a similar publication targeted at men was envisaged. It was asked whether, in addition to the male cultural resistance to equality, women themselves, especially in southern Italy, had built up a resistance to equality. It was asked further whether studies had been made on the amount of time spent by women and by men on domestic tasks; and whether sufficient day-care centres for children, and provisions for old and ill people, were available.
52. On article 6, members requested that statistics referring to the prostitution of women and information on the prostitution of minors and on any social, preventive and rehabilitation measures be provided. In addition, information was requested on the relationship between human immune deficiency virus-infection/acquired immune deficiency syndrome (HIV infection/AIDS) and prostitution.
53. On article 7, members wanted to know about the targets that had been set for women in politics and the steps being taken to reach them. The lack of interest of women in active politics and the low number of women candidates was noted and it was asked whether the reasons were being investigated. Members asked whether any measures were being taken to increase women's interest in politics and whether there was a connection between the family burdens and the scarcity of child-care facilities and women's lack of interest in political life. Members inquired how dynamic the feminist movement was, whether it received adequate financial support and to what extent women were members of trade unions.
54. On article 8, it was asked whether there were any women ambassadors.
55. Referring to questions of nationality, article 9, it was asked which law applied to the personal relationship of the parties in a marriage and why the nationality of the father was given preference over the nationality of the mother.
56. More statistical data on education, in terms of article 10, were required, and it was asked which positive steps had been undertaken to encourage young girls to enter training programmes.

57. On article 11, more information was requested on: (a) the unemployment rate in northern and southern Italy of women by age group, in comparison with that of men; (b) the average income level of women and of men; and (c) the Equal Employment Opportunity Law (903/77), of 1977. It was asked whether Italy had ratified the Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156) of the International Labour Organisation (ILO), and whether the Government had considered the introduction of parental leave. Regarding the fines foreseen under the Law for the Protection of Working Mothers, it was asked whether the fines mentioned therein were imposed in practice; how many such cases had been reported; and whether women in domestic service were covered by maternity protection. Members inquired about the number of cases that had been filed under, and the practical results of, the procedure of Law 903/77 and about the social security protection of women working in family enterprises. They asked for recent statistics on child-care facilities and asked whether the most frequent ambition of young girls in southern Italy was to get married at an early age or to undergo training and to move to a bigger city. Questions were also asked about the number of, and the situation of, migrant workers.

58. On article 12, members asked whether lower income groups could easily obtain contraceptives; whether measures protecting women's health were available for all women, including single women, young women and women in rural areas; and under what kind of sanitary conditions abortions were carried out. More information was requested on the abortion law. It was asked whether the number of adolescent pregnancies was growing and whether the product RU486 was allowed in Italy.

59. Regarding article 13, members asked whether women suffered de facto discrimination in gaining access to loans and financial services and whether they could participate equally in sports.

60. On article 14, it was asked whether women received training in new technologies, whether women were given the possibility of participating in political bodies in rural areas, and whether the law concerning their participation in rural cooperatives was being changed. It was asked whether women were entitled to own land and whether there were programmes for women who were heads of households.

61. On article 16, members inquired about the provision in the Civil Code that gave the father of the child sole responsibility in case of "immediate danger of serious harm to the child". It was asked what happened if the father was not available or if the danger originated from the father. As regards alimony, it was asked how payment could be enforced, how long it could take for the payment to be effected and which factors determined the allocation of alimony. Further clarification was requested on the property regimes in marriage. It was asked how de facto unions were dealt with, and what the inheritance rights of the children of such unions and the alimony provisions were.

62. In replying to questions raised, the representative of Italy noted that the preparation of the initial report had been started by an ad hoc interministerial committee on human rights, which had been established by the Ministry of Foreign Affairs. Afterwards, the report had been revised by the

National Commission for the Achievement of Equality between Men and Women, which had been created by a discretionary act of Government in 1984 and approved by Parliament in 1990. She said that the Commission was an autonomous institution, the composition of which had to be renewed every three years. Its members comprised 29 women representing women's associations, political parties, trade unions, employers' unions, women's cooperatives and 4 women prominent in the fields of science, social questions and literature. Five more experts and counsellors were collaborators, and the president was nominated from among its members by the President of the Council of Ministers. The representative gave a detailed description of all the tasks carried out by the Commission and said that questions of access to work and problems related to the place of work were not within its field of competence. A draft law on positive actions to achieve equality between the sexes at the workplace, which foresaw the setting up of a special committee, was currently being debated by Parliament. The women counsellors for equality at the national and regional levels would be assisted by women counsellors at the provincial level. Among other tasks, the Commission was promoting and encouraging initiatives for an active participation of women in public, social and economic life.

63. The representative recalled the low status of women during the Fascist regime in all spheres in order to emphasize the progress that women had achieved in the country. She said that Italy had ratified the International Covenant on Civil and Political Rights. The term "matters of honour" referred to in the report, which was contained in provisions in the Penal Code of 1930, covered acts that had prompted someone to kill or attack certain persons in order to save personal honour or the honour of the family, and for which the sanctions were drastically reduced. Law No. 442 had abolished such provisions.

64. Turning to questions raised under article 2 of the Convention, she said that articles 3, 29, 37 and 51 of the Constitution all contained the fundamental principle of equality and had to be interpreted in the light of the laws on family and labour. In addition, the different physical and maternal functions of women should not be forgotten even though they did not impair their right to equality of opportunity. She said that the draft code concerning measures against sexual violence was still being debated in Parliament. However, an important innovation was article 91 of the new Code for Criminal Procedure, already in force, which allowed associations whose interest consisted in protecting violated personal rights to participate in the trial. She noted that, in February 1988, the High Court of Justice had pronounced a judgement pursuant to which rape within marriage constituted a punishable offence.

65. On article 3, the representative said that the National Plan of Action had already been partly implemented and partly strengthened by legislation. The new National Commission, which was being restructured, would update the Plan of Action in accordance with the Third Plan of Action for Women of EEC. She said that the Government had followed, and sometimes even preceded, directives of EEC for the improvement of the status of women in Europe.

66. On article 4, the representative said that, in order to harmonize the role of women within the family and outside the household, and considering that young women considered outside work a priority, it was necessary to change the rigid structure of the labour market by introducing more flexible

working hours and also to give the most effective protection to pregnant women. Currently, a draft law on parental leave was being debated in Parliament. As a result of the lower birth rate, child-care facilities were sufficient in northern and central Italy, but inadequate in southern Italy where the birth rate was higher.

67. Under article 5, steps were being taken to overcome cultural stereotypes at school and in the media by means of the services of the "women's window" and through women's organizations. The study made by the National Commission on sexist linguistic forms in the Italian language would be made available to members as soon as possible. Italy had difficulties in promoting laws against pornography as Parliament was opposed to the introduction of censorship.

68. Prostitution, in the context of article 6, did not constitute a crime, but the exploitation of prostitution, traffic in women and the incitement to prostitution were punishable offences. The number of such offences, however, had been declining in recent years. She said that the presence of prostitutes from non-EEC countries was increasing. No statistics existed on the exact number of prostitutes. Rehabilitation centres existed in Italy. The incidence of AIDS had stabilized among the most susceptible groups, but it was on the increase among heterosexuals, mainly in connection with drug addiction.

69. On article 7, statistics were provided on Italian women in public administration, in the judiciary and in the European Parliament. In the Italian Parliament, women constituted 10 per cent of the representatives, and in the cadres of political parties and trade unions, they constituted between 15 and 40 per cent of the representatives. Only very few women were found at the highest echelons. The major obstacles, she said, were the working hours of politicians and the electoral laws. She also said that pressure groups tended to subsidize men rather than women.

70. Concerning article 8, the law that authorized women to take up a diplomatic career had entered into force in 1963, which was too recent a date to have allowed women to reach the rank of ambassador.

71. On article 9 it was reported that, following judgement No. 71 of the Constitutional Court, the mother had rights equal to those of the father to transmit their nationality to their children.

72. On article 10, the representative said that at the end of the Fascist era, Italy had had the fourth lowest literacy rate in Europe; however, currently, more girls than boys finished their higher education. Women could be found in all university faculties, but they were less numerous in the scientific ones.

73. Referring to article 11, she said that Italian legislation prohibited dismissal for reasons of marriage or pregnancy and entitled women to choose any profession, including the highest positions in administration and diplomacy. Currently, the Chamber of Deputies was discussing draft laws referring to the promotion of female heads of enterprise. The Government had earmarked funding in the budget to provide an indemnity for housewives who were victims of accidents in the home, and a retirement pension for housewives. She provided figures for the employment and unemployment of women in general, and for southern Italy in particular, and for different sectors of

the economy. The problem of women in southern Italy was to be seen within the context of the economic problems of the south in general, and laws had been enacted to give them preferential treatment. She said that Italy had not ratified ILO Convention No. 156 concerning Workers with Family Responsibilities, pending harmonization among EEC member States.

74. Referring to article 12, she said that information and prevention campaigns were being carried out by family counselling centres. Statistics showed that abortion had decreased over the past five years, but recently there had also been a sharp drop in the birth rate so that Italy was currently the country with the lowest birth rate in Europe. The abortion pill RU486 was being tested in some selected clinics.

75. Turning to article 13, she stated that women were discriminated against in sports by not being allowed to participate in all disciplines and by having less social security coverage than men.

76. Regarding article 14, she said that during the Fascist regime, Italy had been mainly a rural society. The major migration of male workers in the 1950s had led to the so-called "feminization" of agriculture as women carried on the farming business. In recent years, women had participated in rural cooperatives, even in leadership positions.

77. On article 16, she noted that Law No. 151 of 1975 had abolished the former, deeply rooted concept of the submission of women and provided for the equal rights and equal duties of both spouses. In case of dispute, each of the spouses could request the intervention of a judge. Both spouses were expected to contribute to the maintenance of the family according to their respective resources and working capacities. Whereas before the amendment of the Family Code, the woman, on marriage, had had to take her husband's name, the new law allowed a married woman to add the family name of her husband to her own family name. Children were put under the control of their parents until they had reached the age of majority. In the case of a dispute between the parents, a judge had to pronounce on the most appropriate measures to be taken. The provision that gave the father of the child sole responsibility in case of "immediate danger of serious harm to the child" was being studied closely by the National Commission. It was thought that that provision required modification. In the case of divorce, she said that the judgement would take effect more rapidly than had been the case in the past. The amount of alimony was determined by the personal and material contributions of both spouses to the family budget, the common property and their earnings. Alimony had to be paid as long as the other partner did not have adequate means and could not acquire them for objective reasons, and had to take into account the cost of living. The amendment to the Family Code had included the concept of recognizing the contribution of women to the family enterprise.

78. The representative said that the country was trying to achieve cultural change through networking and the decentralization of the work of the National Commission, which would lead to a stronger involvement of women in all sectors.

79. Members commended the frank and excellent replies of the representative. They welcomed the progress that had been made in the field of women's literacy. They observed, however, that women in Italy had still not achieved full de jure equality and that stereotyped attitudes remained. They said that

they would welcome an action plan for monitoring and assessing the effects of the de jure and de facto changes, a stronger participation of women in political life and a stronger involvement of women in all aspects of society. A major danger was the current lack of militancy in women, which seemed to be a general problem. It was asked how women could become interested in fighting for their rights.

80. The representative commented that the main obstacle was that young girls believed that all objectives had already been achieved. Attempts were being made to mobilize them to participate in women's organizations and in politics at the municipal level.

81. Regarding comments that had been made on the difference in the status of women in southern and northern Italy, which should be taken into account in the preparation of the subsequent periodic report, the representative said that the south of Italy constituted a serious economic and social problem. However, women in southern Italy had displayed more courage in certain situations than men.

82. With respect to the low representation of women in Parliament, she said that campaigns were being held in order to increase the confidence of female constituents in their female candidates.

83. The representative said that family law was based on the equality between women and men; only in a few circumstances were fathers given preference over mothers. Referring to the request for clarification on the issue of the names of children, she explained that a child born out of wedlock took the father's name if both partners recognized the child, otherwise the mother could also transmit her name to a child born out of wedlock.