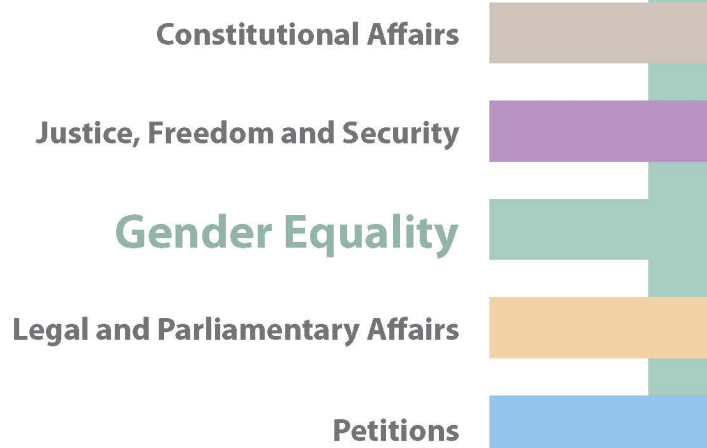


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# The Policy on Gender Equality in Italy

In-depth Analysis for the FEMM Committee







**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**GENDER EQUALITY**

**The Policy on**  
**Gender Equality in Italy**

**IN-DEPTH ANALYSIS**

**Abstract**

Upon request of the FEMM committee, this note provides an overview of the existing gender-equality legislation and policies in Italy, focussing on their recent developments and achievements in the last decades. It discusses gender equality in employment, reconciliation of work and family life, presence of women in decision-making positions, recent measures to fight violence against women, and health and reproductive rights. Italy is still far from reaching satisfactory results, in spite of relevant progress under the pressure of women's movement, civil society and European legislation.

**Document requested by the  
Committee on Women's Rights and Gender Equality**

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## LIST OF ABBREVIATIONS

- AIFA** Agenzia Italiana per il Farmaco (Italian Agency for pharmaceutical surveillance)
- ART** Assisted Reproduction Technology
- ASL** Azienda Sanitaria Locale (local administrative unit of the national health system)
- CPO** Commissione Pari Opportunità (Equal Opportunity Commission)
- Consob** Control Commission for listed companies
- CUGs** Unified Committees for the rights of the employees
- D.L.** Decreto legge (Act)
- EC** European Commission
- ESF** European Social Fund
- EU** European Union
- GB** Gender Budgeting
- INPS** Istituto Nazionale Previdenza Sociale (National Institute for Social Security)
- ISFOL** Istituto per lo Sviluppo della Formazione Professionale dei Lavoratori (Institute for the development of professional training of workers)
- ISTAT** Istituto Nazionale di Statistica (National Institute for Statistics)
- LEA** Livelli Essenziali di Assistenza (essential levels of care)
- MPO** Ministero Pari Opportunità (Ministry for equal opportunities)
- TAR** Tribunale amministrativo regionale (regional administrative court)
- UN** United Nations
- WHO** World Health Organization

## EXECUTIVE SUMMARY

Italy is ranked amongst the countries in the EU with the lowest gender equality, according to the European Gender Equality Index. Its performance is above the EU average in one area only, namely health, thanks to Italian women's long life-expectancy. In any other respect the situation is far from being satisfactory. Policies to re-address the gender unbalance have been cautious, while progress in the legal framework has been promoted mainly by Directives coming from the UE or by pressures of the civil society. Italy lacks of a proper gender infrastructure at central level to promote, coordinate and monitor gender-equality initiatives.

**Employment and reconciliation of work and family life:** Female employment rates remain low, especially in Southern Italy and in general for women with low education. Antidiscrimination laws have been adopted, but gender gaps are still large. Lack of services for children and above all for the elderly combined with rigid work arrangements make it hard to reconcile work and family life. Female unemployment rates are higher than male rates; career advancement is difficult; and women are over-represented in atypical and precarious jobs.

Italy has never elaborated an effective strategy to favour the inclusion of women into the labour market, based on the integration of different policy areas (including education, taxation, etc.). Two kinds of measures to improve women's employment have been mainly promoted: provision of childcare services and incentives (of various amount and length) for employers who hire women.

There has been some improvement in childcare supply for children, although with large differences among regions and towns. However, the share of school-age children in full-time care is very low. **Care** for the elderly depends heavily on the family and the help of "badanti" i.e. migrant women, mainly from Eastern European countries. This conforms to what has been defined the "Mediterranean model of welfare state", based on monetary transfers from the state to the households and the unpaid work of women, so that the family has traditionally been the main provider of social protection and care services for the Italians.

The gender pay gap is one of the lowest in the EU due the prevalence of highly educated women in the female labour force and a strong system of collective bargaining. A huge gender gap exists in terms of income between retired men and women and no provision is envisaged for re-balancing it.

The **percentage of women in top decision-making position** was dramatically low until recently, both in the public and in the private sector. Improvement is underway thanks to the introduction of mandatory quotas in the boards of companies listed in the Stock Exchange, established in 2011, and in companies owned by the public administration, established in 2013. There are no mandatory gender quotas in the Italian parliament, but there are quotas for local governments where both sexes must be represented.

**Sexual violence** was acknowledged as a 'crime against the person' only in 1996. In 2009, a law introduced **stalking** as a type of punishable offence. In 2013, the Council of Europe convention on violence against women and domestic violence' (the so-called Istanbul Convention) became law by unanimous approval of the Parliament, but the network of anti-

violence centres lack of funds and resources. As a whole, the Italian system for the protection of victims of **human trafficking** is coherent with the internationally adopted guiding principles. In 2006, new laws introduced punishment of the **sexual exploitation of children and paedopornography** and prohibited **Female Genital Mutilation**.

In Italy the overall prevailing approach to **women's health** is still within the framework of gynaecological specialisation and reproductive health. **Abortion** is regulated by the law since 1978. **Conscientious objection** of staff of gynaecological surgeries is allowed; the share of objectors is high and increasing, severely hindering the implementation of the law. The **law on ART** of 2004 was very restrictive, but some of its aspects, considered harmful to women's health, have been modified by interventions of both inferior courts and the Constitutional Court.

The overall picture which emerges from this note is that in many fields Italy is still far from reaching satisfactory results in gender equality, in spite of relevant progress under the pressure of women's movement, civil society and European legislation. The present severe financial crisis and austerity policies threaten some of women's recent achievements in terms of income, employment for highly educated women and social infrastructure, but, at the same time, they offer the opportunity of re-thinking the Italian welfare model which relies extensively on un-paid work of women as providers of care services.



## INTRODUCTION

The aim of this note is to provide an overview of the existing gender-equality legislation and policies in Italy, focussing on their recent developments and presenting the most relevant milestones in gender-equality achievements in Italy in the last decades. According to the new EU *Strategy on gender-equality*, gender equality in employment, reconciliation of work and family life, presence of women in decision-making positions, and recent measures to fight violence against women are discussed. Moreover, a particular focus is on health and reproductive rights. The overall picture which emerges from this note is that, in many fields Italy is still far from reaching satisfactory results, in spite of relevant progress under the pressure of women's movement, civil society and European legislation. The present severe financial crisis and austerity policies threaten some of women's recent achievements in terms of income, employment for highly educated women and social infrastructure, but, at the same time, it offers the opportunity of re-thinking the Italian welfare model which relies extensively on the un-paid work of women as providers of care services.

The note has been prepared by consulting academic literature, official documents and websites, and web-magazines of women's associations and gender-equality organizations.

## 1. GENERAL INFORMATION

### KEY FINDINGS

- Women's position in the Italian society has been deeply affected by **socio-cultural changes** since the beginning of the 1970's (second-wave feminism). However, transformations in the structures of the society have not been always consistent with it. Political parties were slow to respond to the requests of civil society movements including women's movement.
- Although in a slow and incomplete way, the legislation has incorporated many claims of the women's movement. **Family law** has been reformed; divorce and abortion have been introduced. **Antidiscrimination laws** have been adopted. In some cases these measures have been curtailed in their implementation for lack of funding and resources.
- Furthermore, Italy lacks a proper **infrastructure to enhance gender equality**. There is a lack of coordination and proper monitoring and evaluation tools at central level are not completely and properly implemented due to limited resources both in terms of personnel and funding.

### 1.1. Background

Italy, one of the six countries which founded the European Union, underwent dramatic economic and social changes in the first decades after World War II. Income per-capita more than trebled from 1947 to 1967; millions of people left the countryside and moved to the industrial cities of the Northern and central regions; 3 million Italians migrated from South to North (Crainz 2003). The new generations of baby-boomers who grew up in the boom years of the "economic miracle" (1958-1963) soon began to question traditional gender roles and family organization.

Laws and courts were slow in catching on to the **cultural changes**. Italian women voted for the first time in 1946, and the Constitution of the Italian Republic<sup>1</sup> enshrines the principle of gender equality in one of its fundamental articles (art.3). However, for twenty years, very little was done to enforce this principle. Both right- and left-wing political sectors, in a parliament where women were a tiny minority, shared a culture of "familism" which rested on the idea that the traditional family was the foundation of social order and the main provider of social protection (Lombardo and De Giorgio 2013). Moreover, the Christian-Democratic party – the main embodiment of political power from 1948 to 1994 – was obviously respectful of the principles of the Catholic Church, while the other leading party, the Communist Party, in part shared the same values and in part was worried about losing consensus if it challenged the traditional gender roles of male breadwinners and female caregivers. The courts, from which women were excluded until 1963, largely confirmed their subordinate position (Rodotà 1981).

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<sup>1</sup> An English version of the Italian Constitution is available at: <https://www.constituteproject.org/#/search> or at the Oxford Constitutions of the World website: <http://oxcon.ouplaw.com/view/10.1093/law:ocw/law-ocw-cd1003.regGroup.1/law-ocw-cd1003?rskey=z9QQ1N&result=1&prd=OCW>

By the end of the sixties, the call for change had grown louder, supported by **strong civil rights and women's movements**. In 1970, a law which introduced divorce (Law 898/1970)<sup>2</sup> was approved after several unsuccessful attempts, and in 1974 pro-divorce organizations won nearly 60 per cent of the votes in a referendum to repeal it. This unexpected victory, which confirmed the sweeping changes which had occurred in Italian society, paved the way to a radical **reform of the family law** in 1975 (Law 151/1975)<sup>3</sup>, putting an end to the hierarchical structure of the family, dominated by the man, and to (nearly) all discrimination against children born out of wedlock (complete parity was reached in 2013 by the law 219 of 2013<sup>4</sup>). In 1978, the **abortion law** (Law 194/1978)<sup>5</sup> was approved and later confirmed by a referendum, and at last in 1981, the law on **crimes of honour** was repealed (hitherto strong mitigating circumstances had applied to murderers of adulterous wives and rapists who volunteered to marry the women they had raped).

However, after the momentum of the seventies, the feminist movement disappeared from the public scene, although it survived in isolated initiatives. Again a **wide gap** opened between the changes which continued in society and their translation into laws. The participation of women over 25 in the labour force grew from 35 per cent in 1977 to the present 56 per cent. In the mid-1980s, the percentage of girls in secondary education overtook that of boys; in the 1990s, for the first time women outnumbered men in tertiary education, and they still do. However, it was only in 1996 that rape ceased to be classified as a crime against public morality and not against an individual person (Law 66/1996)<sup>6</sup> and it was only in 2009 that stalking became the object of a specific law (Law 38/2009)<sup>7</sup>.

The crisis of the women's movement in the '80s became even deeper when forces advocating traditional roles of women and the family prevailed in the mid '90s. Any progress in civil rights came up against **strong opposition**, as shown by the lack of an anti-homophobia law or any recognition of civil union or gay/lesbian marriage, and moreover attested by a law on Assisted Reproduction Technology (ART) (Law 40/2004)<sup>8</sup> that, by guaranteeing protection of the embryo as a priority, jeopardised the health of the women, as later acknowledged by a sentence of the Italian Constitutional Court and the European Court of Human Rights. For a long time, women remained absent from the public and political scene; their representation in top decision-making positions continued to be ridiculously small. In the 1990s and 2000s, progress in gender equality originated mainly from the need to adopt **EU Directives** (such as 97/80/CE on discrimination<sup>9</sup> and 2002/73/CE on equality in employment<sup>10</sup>) and use of **European funds**, while the media,

<sup>2</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1970-12-03&atto.codiceRedazionale=070U0898&currentPage=1>

<sup>3</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1975-05-23&atto.codiceRedazionale=075U0151&currentPage=1>

<sup>4</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2012-12-17&atto.codiceRedazionale=012G0242&currentPage=1>

<sup>5</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1978-05-22&atto.codiceRedazionale=078U0194&currentPage=1>

<sup>6</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1996-02-20&atto.codiceRedazionale=096G0073&currentPage=1>

<sup>7</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2009-04-24&atto.codiceRedazionale=009G0046&currentPage=1>

<sup>8</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2004-02-24&atto.codiceRedazionale=004G0062&currentPage=1>

<sup>9</sup> Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex OJ L 14, 20.1.1998, p. 6. Directive as amended by Directive 98/52/EC (OJ L 205, 22.7.1998, p. 66). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0080:EN:HTML>

<sup>10</sup> Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions OJ L 39, 14.2.1976, p. 40. Directive as amended by Directive 2002/73/EC of the European Parliament and of the Council (OJ L 269, 5.10.2002, p. 15).

and television in particular, spread gender stereotypes and represented women exclusively as desirable sexual objects.

In 2011, as the end of the fourth Berlusconi government approached, a strong wave of reaction against this state of affairs took shape in society. Old and new women's organizations launched a **variety of initiatives** against gender discrimination; successful campaigns against domestic violence gained the support of the media and public indignation sustained the approval of a new law against "femicide" (Law 119/2013)<sup>11</sup>; measures for the participation of women in the decision-making bodies of companies and administrations were introduced (the so-called "pink quotas"); political leaders committed themselves to a larger involvement of women in their governments. It remains to be seen whether this change of attitude will lead to measures which effectively decrease gender inequalities, in the face of budget cuts and fiscal crisis; but the renewed commitment of civil society is a welcome change.

## 1.2. An overview of gender equality in law and policy

### 1.2.1. Gender equality: main issues and recent developments

Italy is ranked amongst the countries in the EU with the lowest gender equality, according to the European Gender Equality Index (GEI)<sup>12</sup>, its performance being above the EU average in one area only, namely health, thanks to Italian women's long life-expectancy. In any other respect the situation is far from being satisfactory. Policies to re-address the gender unbalance have been cautious, while progress in the legal framework has been promoted mainly by Directives coming from the UE or by pressures of the civil society.

In this section, a brief overview is presented, focusing on the issues which are currently at the centre of the political debate and referring readers to section 2 of this note for more detailed information on single issues.

The Italian **legal framework** on gender equality is provided by the National Code of Equal Opportunities between Women and Men established in 2006 (D.L. 198/2006)<sup>13</sup>. It organizes and harmonizes 11 laws on equal opportunities in a single text, with the view of regulating the promotion of equal opportunities between women and men in all areas of society.

The National Code of Equal Opportunities<sup>14</sup> and subsequent laws implement Directives of the EU on equal opportunities and equal treatment in matters of **employment**<sup>15</sup>. Both

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<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:269:0015:0020:EN:PDF>

<sup>11</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2013-10-15&atto.codiceRedazionale=13G00163&currentPage=1>

<sup>12</sup> See <http://eige.europa.eu/content/gender-equality-index#/?country=IT>.

<sup>13</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216&currentPage=1>

<sup>14</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216>

<sup>15</sup> Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions OJ L 39, 14.2.1976, p. 40. Directive as amended by Directive 2002/73/EC of the European Parliament and of the Council (OJ L 269, 5.10.2002, p. 15).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:269:0015:0020:EN:PDF>

Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes

OJ L 225, 12.8.1986, p. 40. Directive as amended by Directive 96/97/EC (OJ L 46, 17.2.1997, p. 20).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0097:EN:HTML>

direct and indirect discriminations are defined and prohibited. Legal support for women (and others) who are discriminated against is provided by a network of Equality Advisors. However, no efficient measure has yet been implemented against the practice of "*dimissioni in bianco*", i.e. the practice of employers of making hiring of young women conditional to signing an undated letter of resignation to be used to justify dismissal in case of pregnancy.

Measures for **reconciliation of family and professional life** are included into several regulations of the labour market and some funds have been allocated to promote more family-friendly work arrangements and the building of an adequate social infrastructure. However, recent budget cuts and austerity measures seriously jeopardize the achievements of the pre-crisis years. The Mediterranean model of welfare - based on monetary transfers from the state to the households and the unpaid work of women - is subject to **unbearable pressure**. In particular, women in their fifties and sixties, whose retirement age has been postponed to 67, face the difficulties of reconciling work with care of their elderly relatives and support for their unemployed or underpaid children.

**Family law** recognizes perfect equality between men and women and gives the same rights to children born inside and outside the marriage (the last discrimination against children born out of wedlock, which concerned their relations with grandparents and other relatives, has recently been cancelled). The Italian legislation has yet to adopt the recent judgment of the European Court of Human Rights on the right of the mother to give her **family name** (instead of the father's family name) to her children. **No civil unions** are permitted. **Divorce** is possible, but entails high costs and a long period of waiting, which several proposals are trying to shorten.

The presence of women in **decision-making positions** is still very limited and several measures have recently been established successfully to improve the situation. A **quota system** has been imposed on the boards of Directors and boards of Statutory Auditors of companies listed on the Stock Exchange (beginning with 20 per cent to be raised to 33 per cent by 2015) and on the boards of non-listed state-owned companies. The rules for the election of **local administrations** have been changed to guarantee a sizeable presence of women. No local government can be made of people of the same sex, although it is yet to be clarified which is the maximum percentage allowed. However, the electoral law for national elections which is being voted in parliament does not include provisions that would have ensured 50 (or 40) per cent of women in the Lower House.

The Department for Equal Opportunities approved the first National Plan Against **Gender-Based Violence and Stalking** on 28 October 2010<sup>16</sup>. In this case too, the main problem is implementation of the law in terms of adequate training of the police force, the establishment of support centres and shelters for victims of violence.

A much-debated law which concerns **women's reproductive health** is Law 40/2004<sup>17</sup> on ART. The law is very restrictive and has been modified by many interventions of both the lower courts and the Constitutional Court, and considered harmful to women's health. Given the highly controversial character of the law, there are hesitations in revising it.

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Both the above mentioned Directives have been replaced by Dir 2006/54/EC (recast). The directive is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:01:EN:HTML>

<sup>16</sup> Available at: [http://www.pariopportunita.gov.it/images/stories/documenti\\_vari/UserFiles/PrimoPiano/piano\\_nazionale\\_antiviolenzanza.pdf](http://www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/PrimoPiano/piano_nazionale_antiviolenzanza.pdf)

<sup>17</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2004-02-24&atto.codiceRedazionale=004G0062&currentPage=1>

**Abortion** is legal, but the law which introduced it in 1978 (Law 194)<sup>18</sup> is periodically subject to attempts to modify it, even if Italy has one of the lowest abortion rates per thousand fertile women among the industrialized countries. Pressures to modify it come from both fronts: on one side, pro-life associations which find it too permissive; on the other side civil rights organizations, which criticize the widespread conscientious objection of staff of gynaecological surgeries that constitute a hindrance to implementation of the law, as pointed out by the Council of Europe's Committee of Social Rights on 7 March 2014<sup>19</sup>.

### 1.2.2. Gender equality machinery

The problem of efficient institutional mechanisms for promoting, enacting and monitoring legislation on gender equality in Italy has never been satisfactorily solved at the national level of central government, as witnessed by the variety of solutions adopted over the years. The governing body entrusted with gender equality is the **Department for Equal Opportunities**<sup>20</sup> (MPO), established in 1997 within the office of the Prime Minister. It has been headed by Ministers without portfolio specifically appointed for this task, by Ministers who held other important offices at the same time (Labour, Welfare), or high government officials (*sottosegretario*), as in the present cabinet. The action of the Minister has always been impaired by **lack of resources**, short terms of office (nine ministers in 18 years), and sometimes even **lack of experience** in gender issues. The importance of gender inequality vs other discriminations has been interpreted by each minister in a different way. A **National Commission** for equality of men and women (established in 2006, Law 198)<sup>21</sup> composed of 26 members who represent women's organizations and civil society organisations collaborate with the Minister, although not much publicity is given to its activities.

At the local level, **Equal Opportunity Commissions** (CPOs) were active in each institution of the public sector since 1988 (regional, provincial, municipal administrations, universities, local units of the national health system, etc.). Their performance is extremely **diverse**. Some confine themselves to dealing with minor problems of the staff while others are active in promoting gender equality in society at large. The CPOs have recently been transformed (by Law 183/2010)<sup>22</sup> into CUGs (**Unified Committee for the rights of the employees**), which combine the former commissions for gender equality with the committees for protection against mobbing.

**Equality Advisors** were created in 1991 at the regional and provincial level to deal with cases of employment discrimination. They have been coordinated in a network headed by a National Equality Advisor since 2006<sup>23</sup>. They cooperate with employment offices and equality bodies to monitor the concrete **implementation** of equal opportunity principles

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<sup>18</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1978-05-22&atto.codiceRedazionale=078U0194&currentPage=1>

<sup>19</sup> The complaint number 87/2012 is available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp)

<sup>20</sup> For several years the Department co-existed and then definitely superseded a Committee for equality and equal opportunities for men and women created in 1990, the first gender equality body in Italy.

<sup>21</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216&currentPage=1>

<sup>22</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2010-11-09&atto.codiceRedazionale=010G0209&currentPage=1>

<sup>23</sup> Available at: Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216>

and can stand in court next to the victims of gender discrimination. In this case, too, there are considerable **discrepancies** in performance.

### 1.2.3. Gender mainstreaming and gender budgeting

Due to the weakness of the gender equality machinery at the level of central administration, the gender mainstreaming approach is very **rarely adopted** to assess the impact of new laws and measures on gender equality.

The situation is slightly better in local administrations, at the regional, provincial or municipal level, above all in those of centre-left political orientation where some successful initiatives of gender budgeting (GB) have been carried out. Pilot projects were launched in the early 2000s utilizing **ESF funds**; the **European Charter for equality of women and men in local life**<sup>24</sup> has been signed by 430 local administrations (243 in Tuscany alone), committing themselves to GB. In 2009, Tuscany passed a regional law (L.R. 16/2009)<sup>25</sup> which makes GB part of the routine process of approving the budget. This should not be exceptional, given that an **Act of 2009** (D.L. 150/2009)<sup>26</sup> requires all public administrations to carry out GB. However, no further indications are provided about methodologies, timing and responsibilities, and the act has been **totally ignored** by most administrations.

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<sup>24</sup> The Charter, drawn up and promoted by the Council of European Municipalities and Regions, is available at : [http://www.ccre.org/docs/charte\\_egalite\\_en.pdf](http://www.ccre.org/docs/charte_egalite_en.pdf)

<sup>25</sup> Available at: <http://raccoltanormativa.consiglio.regione.toscana.it/articolo?urndoc=urn:nir:regione.toscana:legge:2009-04-02;16>

<sup>26</sup> Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2009-10-27;150>

## 2. THEMATIC DISPOSITION

### 2.1. Equal participation in decision-making

#### KEY FINDINGS

- **Political decision-making:** there are no mandatory gender quotas in the Italian parliament where women are 31 per cent, the highest level ever. There are quotas for local governments where both sexes must be represented.
- **Decision-making in the public administration at central and local level:** the national Directive for implementing the Measures for Equality and Equal Opportunities between Women and Men was issued in 2007 and the situation is monitored by the government. However, women in top positions are still a minority.
- **Decision-making in companies owned by the public administration:** a decree of the President of the Republic entered into force in February 2013. The quota criterion will apply for three consecutive mandates: at least 20% for the first year, and 33% for the following years. Compliance is high.
- **Decision making in companies listed on the Stock exchange:** A law issued in 2011 establishes that the gender quota in the boards of directors for the least represented gender should increase up to 33% by 2015. The percentage of women in boards increased from 7 per cent in 2011 to 17 per cent in 2012.

#### 2.1.1. Political decision-making

Women's participation in public life is not well established in Italy and their presence in national politics is not supported by gender quotas, although gender quotas are in force at local level<sup>27</sup>.

Parties may have **voluntary quotas** but this is not a consolidated and widespread practice. After the last elections, the share of women in parliament (both upper and lower house) increased by 10 p.p. reaching the highest level ever (31%). Women make up half of the **present cabinet** (in office since 22 February 2014) composed by only 16 ministers, but they are the minority in the whole government if deputy ministers are also counted (9 women out of 44).

The low participation of Italian women in political decision-making has characterized the history of the Republic. After it was founded in 1946, it was only in 1975 (30 years later) that for the first time a woman was appointed minister (Tina Anselmi as Minister of Labour). Italy has never had a woman as prime minister nor president.

The only sanction presently in force at national level (covering national, regional and European elections) is the law 96 issued in 2012<sup>28</sup> which curtails by 5% public contributions

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<sup>27</sup> See National Parliament website on Equal Opportunities:  
<http://leg16.camera.it/465?area=1&tema=561&Pari+opportunit%C3%A0>



to parties that do not respect the proportion of 2/3 maximum of the same sex candidates in their lists. It is worth noting, however, that public contributions to parties have recently been substantially reduced and should be completely cancelled by 2017.

By contrast, **gender quotas** are in force at **local level**. According to the law 215 issued in 2012<sup>29</sup>, electoral lists cannot have more than 2/3 of men or women in the elections for municipalities with more than 5,000 inhabitants. For municipalities with more than 15,000 inhabitants, the law calls for the **exclusion** of the list from the electoral competition if the gender quota is not respected. Furthermore, voters are allowed to express up to two **preferences** provided that they choose candidates of two different sexes or the second preference is invalid. Statutes of local governments have to include norms that guarantee the representation of both sexes (at least one woman or one man) in their decisional bodies (committees of assessors) and in the decisional bodies of all institutions and companies belonging to them, including the committees that appoint new employees and managers. A local administrative court (TAR) has further clarified the rationale of the law by sentencing that representation of both sexes means that none of sexes may have less than the **40% of representatives**. However, there are **no sanctions** envisaged by the law for non-compliance and therefore very poor results can be observed in local administrative positions.

Presently, a **new electoral law** is under discussion in Parliament. The debated proposal includes 20 electoral constituencies corresponding to the 20 Italian regions, and 148 multi-member electoral sub-constituencies with closed lists. In the 20 electoral constituencies considered as a whole, the share of either sex must not exceed 50%. In the 148 multi-member electoral sub-constituencies, the proposal envisages the alternation of two men and two women in the lists (a variation of the so-called “zipper system”). Given that the lists will be probably very short (no more than 6 candidates) and that no more than one or two candidates will be elected, the very likely positioning of 2 men on the top of each list at sub-constituency level implies that men will be able to take advantage of their prominent role to the detriment of women.

For this reason, women Members of Parliament on all sides of the political spectrum fought to modify the **zipper system** at sub-constituency level to make it alternate one man and one woman (instead of the proposed blocks of two). Progressive female MPs also tried to convince the plenary that 50% of all lists of each party should be headed by women as a condition for lists admissibility. However, these proposals were met with strong reluctance in the Parliament and were rejected.

### 2.1.2. Administrative and economic decision-making

As far as the Public Administration is concerned, there is a **National Directive**<sup>30</sup> for implementing the Measures for Equality and Equal Opportunities between women and men issued by the Department for Public Administration of the National Government in 2007<sup>31</sup>. This Directive aims at implementing the existing measures within the Public Administration (both at peripheral and central levels), increasing the presence of women in **managerial**

<sup>28</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2012-07-09&atto.codiceRedazionale=012G0120&currentPage=1>

<sup>29</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2012-12-11&atto.codiceRedazionale=012G0237&currentPage=1>

<sup>30</sup> The Directive is an internal act which enforces the existing legislation through specific modalities of application.

<sup>31</sup> The Directive is available at:

[http://www.funzionepubblica.gov.it/media/277333/direttiva\\_pari\\_opportunita.pdf](http://www.funzionepubblica.gov.it/media/277333/direttiva_pari_opportunita.pdf)

positions, developing good practices for human resources management in view of equal opportunities, promoting awareness and the actual application of the tools for gender equal opportunities among human resources managers in the public administration<sup>32</sup>. The Directive also encourages the adoption of GB and provides for a monitoring activity on its implementation, but, as said above (section 1.2.3), without specific guidelines.

The last **report on gender equality in the national public administration** was published in 2013 (Presidenza del Consiglio dei Ministri 2012)<sup>33</sup> and is based on a survey on 104 Public Administrations (17 ministries and departments of the Governments, the State Legal Advisory Service, the High School for the Public Administration, the Supreme Administrative Court, the Auditor Court, Research Centres, Social Security Institutes and Universities) and concerns 400,999 individuals, among whom women are 48.5%. If the middle management is considered, gender gaps are important, although with significant differences among branches of the public administration. Women managers are only 35% in Universities, 41% in social security institutes, 42% in Research Centres, 31% in other agencies, 43% in Central administration offices; in other public institutions they are the 34%. However, if only **top positions** are considered, the percentage of female top managers is substantially smaller.

In the **Constitutional Court** only one out of 15 members is a woman and no quotas are in force to ensure the gender parity<sup>34</sup>.

As far as the **local** administrations are concerned, last available data refer to 2011 and have been collected by the Department for Public Administration of the national government<sup>35</sup>. It concerns 494 local administrations (451 municipalities, 9 provinces, 15 organisations of local administrations and 19 ASLs, i.e. local administrative units of the national health service managed by Regions (ASL)<sup>36</sup>). As the survey is not compulsory, no region has decided to be involved. Overall results show that out of the 112,251 surveyed individuals, the large majority (62.2%) are women, but, among women, managers are only 6.7% (14.7% among men). 3.6% of women are in middle management (5.3% of men). If we consider the total of managers, there are 57.2% men while gender differences for the middle management are not significant as well as for other levels of the administration with the only exception of the ASLs.

A **regulation on equal access to administrative organs of societies** controlled by public administrations (decree of the President of Republic n. 251, 30 November 2012)<sup>37</sup> entered into force in February 2013. It assigns to the prime minister or to the MPO the responsibility of monitoring and supervising the implementation of the law. The **quota criterion** will apply for three consecutive mandates: at least 20% for the first year, and 33% for the following years. In case of non-compliance, the members of the board will

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<sup>32</sup> The tools envisaged are: elimination and prevention of gender-based discrimination, adoption of triennial gender positive actions plans, work organization, gender-sensitive policies for personnel recruitment and personnel management, reform of the gender equal opportunities committees within every administration, change in organizational culture in view of the actual implementation of equal opportunities.

<sup>33</sup> Available at: [http://www.funzionepubblica.gov.it/media/1119766/report\\_pari\\_opp\\_2013.pdf](http://www.funzionepubblica.gov.it/media/1119766/report_pari_opp_2013.pdf)

<sup>34</sup> Members of the Court are appointed by the President of the Republic (5 members), by the Parliament (5 members are elected by Members of the Higher and Lower house in general common assembly and the Judiciary (other 5 members are elected by the three different branches of the judiciary: 1 member by administrative judges, 1 member by the Auditors' Court and 3 members by ordinary judges).

<sup>35</sup> Data available at: [http://www.funzionepubblica.gov.it/media/1042080/12\\_12\\_13\\_rapp\\_supp.pdf](http://www.funzionepubblica.gov.it/media/1042080/12_12_13_rapp_supp.pdf)

<sup>36</sup> The sample is very small as for instance the total number of municipalities is 8,057, provinces are 110, and ASLs are 148.

<sup>37</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2013-01-28&atto.codiceRedazionale=13G0022&currentPage=1>

have to resign. Monitoring of compliance is realised by the MPO, supported by a working group.

In the **private sector**, the situation of women in top positions was not better than in the public sector, but it is improving. In August 2011, Law 120/2011<sup>38</sup> was passed. It fixed a **gender quota of 20%** of the least represented gender for the **Board of Directors** of listed companies on the Stock exchange and state-owned companies to be achieved by 2012. The law prescribes that the gender quota for the least represented gender should increase up to 33% by 2015. The Consob (the Control Commission for **listed companies**) is the **supervisory authority** for the implementation of the law and can act autonomously in order to change the Boards when the gender quota is not respected. In addition, the law provides for **financial penalties**: from €100 thousand to one million if the law is not respected in the board of directors and from €20 thousand to 200 thousand in audit committees. Consob published its report 'On Corporate Governance of Italian listed Companies'<sup>39</sup> in November 2013. It shows that in June 2013, 17.1% of the board members were women, when at the end of 2011 women were only the 7.4%. Therefore, it can be concluded that the law has had a positive impact.

The **latest report on the implementation of Law 120/2011** was published in October 2013 by the MPO. It shows that in the 25 companies **not listed** in the stock exchanges and directly controlled by the Ministry of Economy and Finance, the percentage of women on boards of directors is 20.2%, while the percentage of women in boards of auditors is 34.7%. 3 of these 25 companies have a woman president (in 2011 it was only one). It also highlights that in the 294 companies directly or indirectly controlled by the Ministry, 69 have nominated a new Board of Directors and 56 new statutory auditors since the entry into force of the law on quotas. The percentage of women amounted respectively to 29.4% and 35.4%.

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<sup>38</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2011-07-28&atto.codiceRedazionale=011G0161&currentPage=1>

<sup>39</sup> See Tables 2.7 at page 16. The report is available at: [http://www.consob.it/documenti/Pubblicazioni/Rapporto\\_cg/rcg2013.pdf](http://www.consob.it/documenti/Pubblicazioni/Rapporto_cg/rcg2013.pdf).

## 2.2. Eradication of gender-based violence

### KEY FINDINGS

- **Sexual violence** was acknowledged as a '**crime against the person**' only in 1996. In 2009, **punishment for sexual acts** was increased and a law introduced **stalking** as a **type** of punishable offence. On 19 June 2013, the Council of Europe convention on 'Preventing and combating violence against women and domestic violence' (the so-called **Istanbul Convention**) **became law** by unanimous approval of the Parliament.
- The Italian **women's movement** has been able to build up a **national network of anti-violence centres** to exchange experiences, to dialogue with the public authorities at local and national level and to become the **backbone of the national helpline service** for violence against women. However, all these initiatives **lack of funds and resources**.
- In 1998 a law on immigration established that **victims of human trafficking** can **request** a special **residence permit**. The law was completed in 2003 with provisions to offer **short-term and long-term help to the victims**. As a whole, the Italian system for the **protection** of victims of human trafficking is **coherent** with the **internationally adopted guiding principles**, first and foremost regarding the respect of the victim's autonomy and their right to social integration.
- In 2006, a new law introduced **punishment** of the **sexual exploitation of children** and of paedopornography.
- **Female genital mutilation** has been prohibited by a specific law **in 2006**.

Until very recently (1996), **sexual violence** was considered a 'crime against public morality'. It took 19 years of debate to reform the articles of the Italian penal code relating to sexual violence and to acknowledge that sexual violence is a 'crime against the person' (Law 66/1996)<sup>40</sup>. That law considers as punishable any sexual act or attempt to obtain a sexual act by violence or coercion, unwanted sexual comments or advances from women and men, children and adults. It covers also those cases that do not present an actual contact between the offender's body and the victim's. Initially, the law envisaged sentences from 5 to 10 years of jail for sexual violence perpetrated by an individual; from 6 to 12 years of jail for sexual violence by a group; from 3 to 6 years of jail for sexual acts performed in front of children (aged 14 or less). Additionally, the perpetrator can be sentenced to the loss of their parental authority over children.

Since then, a series of amendments and new laws to contrast the phenomenon of violence have been enacted under the pressure of the civil society organizations. In the following the relevant legislation in the field of gender based violence is shortly presented and discussed.

In 1998, the **law against pornography and procuring** was enacted.

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<sup>40</sup> Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1996-02-15;66!vig=>

In the same year, **law 286 (Immigration law)**<sup>41</sup> established that **victims of human trafficking** can request a special residence permit. This law is considered very advanced because, unlike in other countries, women's right to this residence permit is not linked to their active participation in the trial against their smugglers or exploiters.

The 2001 **law on domestic violence** (154/2001)<sup>42</sup> concerns all family members (husbands, wives, cohabitant partners, children, parents) who are subjected to physical as well as psychological violence. The victim can ask and obtain from the judge a 'protection order' that obliges the offender to leave the home.

The 2003 **Law against human trafficking** (228/2003)<sup>43</sup> envisages two different types of protection for the victims: first-aid protection, which includes access to a shelter, with psychological and health support and the social reintegration of the victim by means of support in finding a job (while preference is given to reintegrating the victim in the country of origin). The introduction of this law completed the legislative framework for the intervention against trafficking that began with the Immigration law (see above). As a whole, the Italian system for the protection of victims of human trafficking is **coherent** with the internationally adopted guiding principles, first and foremost regarding the respect of the victim's autonomy and their right to social integration<sup>44</sup>.

In 2006, law 38/2006<sup>45</sup> introduced the **punishment of the sexual exploitation of children and of paedopornography** (including internet as a means of exploitation)<sup>46</sup>.

In the same year, **female genital mutilation** has also been addressed and prohibited by law 7/2006 (Provisions concerning the prevention and suppression of forms of female genital mutilation). The law defines female genital mutilation as any form of partial or total removal of external female genitalia or other modifications to female genitals, made to young girls for cultural or other non-therapeutic reasons<sup>47</sup>.

Also in 2006, the **national hotline for victims of violence** was established. The number 1522 is a toll free number available 24 hours a day. It works as a hub transferring incoming calls to the national network of local hubs distributed across the national territory. However, as at 2014, there are still many areas of the country that are not covered by the service<sup>48</sup>. There are other toll free numbers that operate to contrast violence: the toll free

<sup>41</sup> Available at: [http://osservatoriointerventitratta.it/wp-content/uploads/2013/04/d.lgs\\_286-98.pdf](http://osservatoriointerventitratta.it/wp-content/uploads/2013/04/d.lgs_286-98.pdf)

<sup>42</sup> Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2001-04-04:154>

<sup>43</sup> Available at: [http://osservatoriointerventitratta.it/wp-content/uploads/2013/04/Legge\\_228-2003.pdf](http://osservatoriointerventitratta.it/wp-content/uploads/2013/04/Legge_228-2003.pdf)

<sup>44</sup> The Italian legislation anticipated the European legislation:

- the Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings that defined human trafficking in terms of sexual exploitation and labour exploitation
- the Council Directive 2004/81 introducing a residence permit for victims who cooperate with the police, prosecution service and other competent authorities (available at: [http://ec.europa.eu/anti-trafficking/download.action?nodePath=/Legislation+and+Case+Law/EU+Legislation/Migration+Law/Directive+2004\\_81+on+residence+permit\\_en.pdf&fileName=Directive+2004\\_81+on+residence+permit\\_en.pdf&fileType=pdf](http://ec.europa.eu/anti-trafficking/download.action?nodePath=/Legislation+and+Case+Law/EU+Legislation/Migration+Law/Directive+2004_81+on+residence+permit_en.pdf&fileName=Directive+2004_81+on+residence+permit_en.pdf&fileType=pdf)).

The former has been replaced by the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, which is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:01:EN:HTML>

<sup>45</sup> Available at: <http://www.camera.it/parlam/leggi/06038l.htm>

<sup>46</sup> In accordance with the Council Framework decision Decision 2004/68/JHA that was later replaced by the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography

<sup>47</sup> The law is coherent with the principles of EU interventions as stated in the European Parliament resolution of 14 June 2012 on ending female genital mutilation (2012/2684(RSP) available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-261>

<sup>48</sup> For more information see: <http://www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/117-numero-verde-1522-antiviolenza-donna>

number against female genital mutilation, the toll free number against human trafficking, and the toll free number against racial discrimination.

In 2009, law 38/2009<sup>49</sup> has exacerbated the punishment for sexual acts and introduced **stalking as a type of punishable offence**. This law makes a criminal offence punishable with imprisonment ranging from six months up to four years for any "continuative harassing, threatening or persecuting behaviour which: (1) causes a state of anxiety and fear in the victim(s), or; (2) ingenerates within the victim(s) a motivated fear for his/her own safety or for the safety of relatives, kin, or others associated with the victim him/herself by an affective relationship, or; (3), forces the victim(s) to change his/her living habits".

In 2012, law 172 ratified the Council of Europe convention on the 'Protection of Children against Sexual Exploitation and Sexual Abuse' (the-so called Lanzarote Convention)<sup>50</sup>.

Since June 2013, a "task force" on gender-based violence is operating under the Presidency of the Ministry Council to design a national statistical **Observatory on Gender-Based Violence**<sup>51</sup>. On 19 June 2013, the Council of Europe convention on 'Preventing and combating violence against women and domestic violence' (the so-called **Istanbul Convention**) became law (law no. 77/2013). The bill for the ratification of the Convention of Istanbul has been approved with the unanimous approval by the Senate<sup>52</sup>.

On 8 August 2013, the Council of Ministers approved a set of measures to contrast the phenomenon of **femicide** (Law 93/2013)<sup>53</sup> by further exacerbating the punishments and improve tools for victims' protection.

However, it has to be noted that the legislation addressing violence against women does not stem from an open public debate and a shared cultural approach but that it is rather the product of different reforms aimed from the outset at safeguarding the public order, the safety of citizens and the traditional family structure. Although the legislation is slowly integrating the international requirements, the lack of attention to the provision of services to victim/survivors and to the overall approach to the issue is of concern. The Italian case is peculiar to this regard compared to the prevailing intervention model assumed at international level which implies the creation of a wide partnership involving public actors as well as actors from civil society, dealing with the issue from different perspectives and using different professional competencies. The main issues are the availability of **resources and coordination**.

In Italy, the attention to violence against women has been low on the side of institutions and political parties, a comprehensive approach has been lacking, and the protection and the empowerment of victims of gender based violence has been considered secondary for a long time. Furthermore the Italian system of welfare services hinges upon a **private/public partnership** (where the private is in many cases the civil society organisations or third sector) and the distribution of different tasks among different levels of governance (regions, provinces and local municipalities). This has given rise to a system

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<sup>49</sup> Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2009;38>

<sup>50</sup> Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-10-01;172>.

See also: [http://www.coe.int/t/dghl/standardsetting/children/default\\_en.asp](http://www.coe.int/t/dghl/standardsetting/children/default_en.asp)

<sup>51</sup> More information available at: <http://www.pariopportunita.gov.it/index.php/primo-piano/2385-violenza-sulle-donne-guerra-convoca-task-force-interministeriale>

<sup>52</sup> Available at: <http://www.gazzettaufficiale.it/eli/id/2013/07/01/13G00122/sg>.

See also: [http://www.coe.int/t/dghl/standardsetting/convention-violence/about\\_en.asp](http://www.coe.int/t/dghl/standardsetting/convention-violence/about_en.asp)

<sup>53</sup> Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto-legge:2013-08-14;93!vig=>

of services that is highly differentiated across the country with a **high variability of practices** in all fields of social intervention including services provided to women victims of violence. For this reason, the involvement of civil society organisations in the provision of services has to be considered as the handover of responsibilities from the public institutions to the civil society.

Nevertheless, the experience of the **anti-violence centres** and the large range of activities they carry out are a valuable good example in the field. The plurality of models of public/private cooperation and more specifically the development of anti-violence centres across the country funded and promoted by civil society organisations linked to the Italian women's movement are the most valuable contributions that Italy has given to confront violence against women. The Italian women's movement has been able to build up a national network of anti-violence centres to exchange experiences, to dialogue with the public authorities at local and national level and to become the backbone of the national helpline service for violence against women.

The **National Action Plan on Violence against Women** issued in 2011<sup>54</sup> has been a missed opportunity to this regard. It has been drafted without consultation with the stakeholders, it lacks clear objectives, and it has not been funded appropriately by the central government, because of the strong retrenchments in the Italian public expenditure. The resources on which 'anti-violence centres' and more generally women's shelters can rely on are in many cases provided only by regions or local authorities and are often very poor.

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<sup>54</sup> Available at:  
[http://www.pariopportunita.gov.it/images/stories/documenti\\_vari/UserFiles/PrimoPiano/piano\\_nazionale\\_antiviolenzza.pdf](http://www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/PrimoPiano/piano_nazionale_antiviolenzza.pdf)

## 2.3. Women in the labour market

### KEY FINDINGS

- **Gender gaps** in the labour market are still large. **Female employment rates** remain low, especially in Southern Italy and in general for women with low education.
- Lack of services for **children** and above all for the **elderly** combined with rigid work arrangements make it hard to reconcile work and family life. **Female unemployment rates** are higher than male rates; **career progress** is difficult; and women are over-represented in **atypical and precarious jobs**.
- Two kinds of measures to improve women's employment have been mainly envisaged: **provision of childcare services** and **incentives** (of various amount and length) for employers who hire women.
- The **gender pay gap** is one of the lowest in the EU (5.8%) and this accounts for the lack of interest for this issue. The low level is due to the prevalence of highly educated women in the female labour force and a strong system of collective bargaining where gender is not taken into account.
- The reform of the **pension system** has raised the retirement age to 66 years for all men and women, in both the public and the private sector. However, no provision is envisaged for re-balancing the huge **disparities** which exist in terms of income between retired men and women.

Gender equality in the labour market is proclaimed in article 37 of the Italian Constitution. The last barrier regarding access to a profession for women fell in 1999, when military careers were opened up to both sexes. Discrimination, both direct and indirect as defined in 2006/54/CE<sup>55</sup>, is condemned by law (Law 198/2006)<sup>56</sup> and the above-mentioned network

<sup>55</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216&currentPage=1>

The Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:204:0023:01:EN:HTML>

<sup>56</sup> The same law accounts for the following EU Directives:

- Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women  
OJ L 45, 19.2.1975, p. 19.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31975L0117:EN:HTML>
- Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex  
OJ L 14, 20.1.1998, p. 6. Directive as amended by Directive 98/52/EC (OJ L 205, 22.7.1998, p. 66).  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0080:EN:HTML>
- Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council, of 29 June 2000 on the balanced participation of women and men in family and working life.  
OJ C 218, 31.7.2000, p. 5. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:218:0005:0007:EN:PDF>
- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security. OJ L 6, 10.1.1979, p. 24.  
<http://eur-lex.europa.eu/Notice.do?val=72782:cs&lang=en&list=72782:cs,&pos=1&page=1&nbl=1&pgs=10&hword s=&checktexte=checkbox&visu=>



of Equality Advisors, at the national, regional and provincial levels, deals with complaints by women who feel they have been discriminated against.

Maternity is protected<sup>57</sup>; Italy has one of the longest statutory maternity leaves (22 weeks) in the EU and parental leave is relatively generous (Pronzato 2009). However, in the productive context of Italy, where 95% per cent of firms have fewer than 10 employees, employers who fear long absences of their female workforce sometimes resort to the unlawful practice of asking young women to sign an undated letter of resignation, to be used in case of pregnancy to justify their dismissal. It seems that 800,000 mothers who are currently working or worked in the past have been subjected to this requirement at some point of their lives (ISTAT 2011, p. 154). A law to fight the phenomenon (so-called "*dimissioni in bianco*", see item 1.2.1) was introduced in 2007 (Law 188/2007)<sup>58</sup>, repealed a few months later by the newly-elected Berlusconi government, and partially reintroduced in 2012 without significant results (Ballestrero, 2012). It is currently again under discussion in parliament.

The case of "*dimissioni in bianco*" is emblematic of the situation of women in the Italian labour market. Gender equality is asserted in principle but **gender gaps** in the labour market are still large; they have recently been narrowing, but the "improvement" is due more to the worsening of men's working conditions than to any progress in those of women. The present financial and fiscal crisis has so far less affected the quantity of women's employment but rather its quality. In terms of quantity, the economic crisis put a halt to the positive trend recorded for female employment since the '70s: at the national level the female employment rate went down slightly, from its maximum of 47.2% in 2008 to the present 46.5% (2013Q4). However, sectors where female employment prevails (care and health services, teaching, and other **services**) have been less affected by the crisis and, as yet, job losses have not been so dramatic for women as for men. In some cases, like care for the elderly, there has even been an increase. This may have encouraged women who entered the labour market to compensate for their partially or totally unemployed partners' loss of income: the number of couples with children where the woman is the only breadwinner has significantly increased and they are now 8.4 of the total; the female inactivity rate has fallen by 2 percentage points (Verashchagina and Capparucci, 2013)<sup>59</sup>. However, female employment rates remain low, especially in Southern Italy and in general for women with low education.

In terms of quality, the crisis has aggravated a situation already quite critical for women's employment by accentuating **structural weaknesses**: lack of services for children and above all for the elderly combined with rigid work arrangements make it hard to reconcile work and family life; female unemployment rates are higher than male rates; career progress is difficult; and women are over-represented in atypical and precarious jobs. The percentage of women with a part-time job, which used to be far below the EU average, is now close to the average at 31%. More than half (54.4%) of the part-time work is involuntary (the average EU27 is 24.4%). In other words, full time jobs have decreased

<sup>57</sup> Also coherently with:

- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC [13]. OJ L 145, 19.6.1996, p. 4. Directive as amended by Directive 97/75/EC (OJ L 10, 16.1.1998, p. 24). Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0034:EN:HTML>
- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding [12]. OJ L 348, 28.11.1992, p. 1. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0085:en:html>

<sup>58</sup> Available at: <http://www.altalex.com/index.php?idnot=40565>

<sup>59</sup> For the added "worker effect" see also European Parliament (2012) and European Commission (2013).

and part-time jobs increased (Villa 2013). The over-representation of young women amongst **atypical workers**, especially on contractual arrangements with limited or no protection, implies that many young women cannot rely on any income in case of maternity.

Italy has never elaborated an effective strategy to favour the inclusion of women into the labour market, based on the integration of different policy areas (including education, taxation, etc.). Rather, it addressed the issue in piecemeal fashion. In recent years, policy-makers have envisaged mainly two kinds of measures to improve women's employment: provision of **childcare services** (see section 2.4 below) and incentives (of various amount and length) for **employers** who hire women.<sup>60</sup>

The reform of the labour market in 2012 (Law 92/ 2012, the "**Fornero Reform**", after the name of the labour Minister who promoted it)<sup>61</sup> followed a more general approach. It did not target women explicitly, but indirectly, having the aim of decreasing the variety of contractual arrangements for atypical jobs and reducing the improper use of some of them.

The reform introduces a more **universal system of social protection** (called ASPI) which widens the coverage of the unemployment benefit scheme; it facilitates transition from school to work and favours work experience for young people still in formal education. Moreover, it includes two innovative measures for the conciliation of work and family life: 1) **compulsory paternity leave**; 2) **vouchers for child-care services**. It is too early to assess the impact of the whole package of the Fornero Reform, but a welcome novelty is the implementation of a well-organized system of data-collection to monitor its impact, which could be useful now that reform of the reform is already under way (see the Jobs Act of the new Renzi government).

Attention to the **gender pay gap** in policy-making is scanty and confined to the local level or the public sector. Italian politicians often boast of one of the lowest gender pay gaps in the EU (5.8%) which can be related to the prevalence of highly educated women in the female labour force. Moreover, most women with high levels of education are employed in the public sector (education, national health service), where salaries have not been subject to the same decline as those in the private sector, where men are the majority. If levels of education are taken into account, the gender pay gap becomes larger, although it would still be among the lowest in Europe. This can be related to a strong system of **collective bargaining** where gender is not taken into account. This favourable situation could worsen for two reasons: a) bargaining at the national level is going to be progressively weakened and decentralised bargaining is acquiring growing importance; b) the crisis has worsened the work conditions of young educated women whose wages raised the average in the past, while most new jobs are in the poorly-paid and highly feminized sector of care services which withstood the crisis much better than the rest of the economy (Sabbadini 2012).

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<sup>60</sup> The Act "Salva Italia" ("save Italy") of the Monti government in 2012 provided €232 million for the conversion of fixed-term contracts into permanent contracts and for new jobs. The target were all young people aged 15-29 and women of all ages. The impact has proved smaller than expected and, above all, as is always the case with similar incentives, it is not clear how many of the new jobs and conversions would have occurred anyway. On the same lines, in June 2013, the Letta government launched a plan, funded by €794 million to be spent in three years, to favour the employment of young people aged 18-29, either unemployed for at least six months, or without any formal education and training, or with one or more dependents. The share of women in this group of nearly 3 million people (half of that age group) was large, considering that the unemployment rate of women aged 25-29 in Southern Italy is over 31 per cent. It is too early to assess the impact of this plan, but the same criticism the Monti Act came in for – too large the target, too uncertain the net impact – applies here, too.

<sup>61</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2012-07-03&atto.codiceRedazionale=012G0115&currentPage=1>

The decrease in employment opportunities in the public sector due to budget cuts is a serious threat for the investment in human capital of educated women. The public sector offers women higher (formal or informal) flexibility of work arrangements and relatively good salaries and it has been working as a sort of surrogate measure for work-family reconciliation policies (see Solera, Bettio 2013).

Finally, the **reform of the pension system**<sup>62</sup> must be mentioned (Law 214/2011)<sup>63</sup>. By 1 January 2018 retirement age will be 66 years for all men and women, in both the public and the private sector. After 2018, a gradual rise in the retirement age (on the basis of life expectancy) up to 70 years is planned. Advocated in the name of gender equality and financial sustainability, the law cancelled more favourable conditions for women which were a sort of compensation for the care labour they provide during their life-time. However, **no provision is envisaged for re-balancing the huge disparities** which exist in terms of income between retired men and women. The average pension of a woman over 65 is even now around 69 per cent of that of a man of the same age (Bettio, Tinios, Betti 2013). The gap could soon become dramatic when the amount of the pension is calculated exclusively on the basis of the contributions the worker has paid, given the over-representation of women in precarious jobs and the many interruptions in their work lives.

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<sup>62</sup> See also case study on Italy in European Parliament (2013).

<sup>63</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2011-12-27&atto.codiceRedazionale=011G0256&currentPage=1>

## 2.4. Reconciliation of private and professional life

### KEY FINDINGS

- The family – in particular, the **work of women inside the family** - has traditionally been the main provider of **social protection and care services** for the Italians, according to what has been defined the “**Mediterranean model of welfare state**”.
- **Compulsory maternity leave** is one of the **most generous** in the **EU** (5 months); parental leave has been recently extended to a maximum of 6 months and 10 months for the couple. A **pilot compulsory paternity leave of one day** at full salary was introduced in **2012**.
- **Full-time childcare supply** shows a wide **variability** across different **regions** and **towns**. After the launch of the EU Lisbon Strategy and of the Barcelona Targets, Italian governments have adopted plans for increasing childcare services **especially for children aged 0-2**. The share of children in full time care dropped to 15% for school age children up to 12 years.
- **Care for the elderly** depends heavily on the **family**, i.e. women, and the help of “**badanti**” i.e. **migrant women, mainly from Eastern European countries**, often without a regular contract.
- **Flexible work arrangements** have been advocated by several measures, but **rarely implemented** because of **lack** of funds and **incentives** for **employers**.

The family – in particular, the work of women inside the family - has traditionally been the main provider of social protection and care services for the Italians, according to what has been defined the “**Mediterranean model of welfare state**” (Trifiletti 1999, Naldini 2003, Bettio and Plantenga, 2008). This has hindered the participation of women in the labour market in principle and the development of private and public services for the care of children, disabled and elderly people. The development of the service sector could have created new jobs for all and for women in particular. As a consequence, Italy has both a **low total fertility rate** (1.43 in 2012 with the EU-28 average at 1.58)<sup>64</sup> and a **low activity rate** (52.6 per cent for the 3<sup>rd</sup> quarter of 2013 with the corresponding EU-28 average at 66.1 per cent). A recent survey has shown that 46 per cent of women who are inactive left work because of reconciliation problems (ISFOL 2010, p. 53). INPS data show that 25 per cent of women who gave birth in 2009 were not back to work 4 years later (Mundo 2012).

Policy-makers have tried to address this situation in recent years focussing on the provision of childcare services, extending parental leaves, and by timidly encouraging some flexible work arrangements. All measures have always been underfunded and seriously hit by last budget cuts.

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<sup>64</sup> An important contribute to the rate is given by foreign-citizen women, whose fertility rate stands at 2.37 while the number of children per women born from Italian citizens stands at 1.29. See Gualtieri 2013.

#### 2.4.1. Maternity leave, and paternity and parental leave

Besides a compulsory **maternity leave** of 5 months for all employees and self-employed women with a social security membership (that is, 73% of the mothers in 2011), the so-called “Law on reconciliation of work and family life”<sup>65</sup> has extended the **parental leave** to both parents. Each parent is individually entitled to a parental leave for a maximum of 6 months and 10 months for the couple. If the **father** takes up at least 3 months, an extra bonus of one month is granted to the couple. In the public sector, the father is entitled to 100 per cent of the salary for up to 30 days. After that, in general, the salary is reduced by 70 per cent for a maximum of 6 months and to zero for the remaining period. Very few fathers take up extended parental leaves. Some regions and some collective contracts have more generous provisions<sup>66</sup>.

In order to increase the involvement of fathers, the Fornero Reform (Law 92/2012)<sup>67</sup> has introduced a pilot compulsory **paternity leave** of one day at full salary, plus two optional extra days subtracted from the mother’s mandatory leave. It is a small step into the direction of a greater involvement of men: INPS data show that on average, each mother takes up 18 weeks of parental leave in the first three years of the child (Mundo 2012) and that 88 per cent of the time of parental leaves is taken up by women.

#### 2.4.2. Formal childcare services

Public childcare services are provided by local municipalities. The funding for childcare services comes mainly from local taxes with support from regions and national governments. This entails a **wide variability of childcare supply** across different regions and towns, a small minority of which achieves the Barcelona target of 33 per cent for children aged 0-2. The average coverage rate is 13.5 per cent of children not including educational services, but in some parts of Southern Italy childcare services are nearly non-existent<sup>68</sup>.

The inadequacy of the supply of childcare services for children under three years of age has been at the centre of both policy and academic debates (Del Boca 2002) in the last years due to growing awareness of their importance to sustain women’s employment. After the launch of the EU Lisbon Strategy (2000-2010) and the adoption of the targets decided at the Barcelona meeting of the European Council<sup>69</sup> in 2002, subsequent Italian governments

<sup>65</sup> Law 53/2000 is now included in the National Code of Equal Opportunities (see section 1.2.1).

<sup>66</sup> These initiatives are coherent with the Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC [13].

OJ L 145, 19.6.1996, p. 4. Directive as amended by Directive 97/75/EC (OJ L 10, 16.1.1998, p. 24).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0034:EN:HTML>

<sup>67</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2012-07-03&atto.codiceRedazionale=012G0115&currentPage=1>

<sup>68</sup> When only ECEC (Early Childhood Education and Care) services are considered, the national average for the coverage is 11.8% only. Public childcare services for children aged 0-2 are provided only by the 48.1% of the Italian municipalities with an overall coverage of 77.7% of the national territory. Calabria region is the region with the lowest coverage rate equal to 2.5 per cent in 2011/12. Data published by ISTAT available at: [http://www.istat.it/it/files/2013/07/Statistica\\_report\\_asili\\_nido\\_2011.pdf?title=Offerta+comunale+di+asili+nido+-+25%2Fflug%2F2013+-+Testo+integrale.pdf](http://www.istat.it/it/files/2013/07/Statistica_report_asili_nido_2011.pdf?title=Offerta+comunale+di+asili+nido+-+25%2Fflug%2F2013+-+Testo+integrale.pdf)

<sup>69</sup> See:

- European Council Presidency Conclusions, Lisbon 23 and 24 March 2000. Available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/00100-r1.en0.htm](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00100-r1.en0.htm);
- the Presidency Conclusions of the meeting of the European Council in Barcelona, 15-16 March 2002 at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/71025.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/71025.pdf)
- European Parliament resolution on the mid-term review of the Lisbon Strategy, Wednesday, 9 March 2005 - Strasbourg Final edition Mid-term review of the Lisbon strategy. P6\_TA(2005)0069. Available at:

have adopted plans for **increasing childcare services** especially for children aged 0-2. All governments have tackled the issue according to their respective political and ideological orientations, which influenced the focus of the plan, i.e. increased funding for public services or for vouchers (private market supply); more interested in expenditure control (micro-crèches, tagesmutter) or on quality of the service, more engaged with firms and employment (company crèches) or emphasising education and care for childhood<sup>70</sup>.

If the provision of childcare services is very low for children aged 0-2, the coverage for childcare services for children aged 3 to mandatory-school age is 95 per cent with only 20 per cent of children in full time services. The share of children in full time care dropped to 15% for school age children up to 12 years<sup>71</sup>. For these two age groups, full time care is an issue. There is no national provision on out-of-school care facilities and on extra-curricular activities, a major problem in a country where summer holidays last 13 weeks and many schools are open 4-5 hours a day. The quality and quantity of this service depends on regional and municipal funds, which have been dramatically affected by recent budget cuts.

#### 2.4.3. Services for the elderly

The law (104/1992)<sup>72</sup> entitles workers taking care of a disabled relative to three days off work per month, or two hours off per day. Even more than for children, care for the elderly depends on the family and the help of "*badanti*" i.e. migrant women, mainly from Eastern European countries, often without a regular contract. It has been calculated that elderly persons who are assisted by "*badanti*" are four times as many as those assisted in homes for the elderly and twice of those who are supported by home-based services (Pasquinelli e Rusmini 2013).

#### 2.4.4. Flexible working times

The "Law on reconciliation of work and family life" now included in the law 198/2006<sup>73</sup>) and all the above mentioned plans encourage flexible work arrangements in terms of hours, tele-working, job-sharing, hours savings, or the possibility for the self-employed to be substituted by a co-worker. However, lack of incentives for employers and lack of funds have not allowed the generalization of some successful best practices at local level. Only 6 regions out of 20 have presented projects for flexible work arrangements (see MPO 2011).

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<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0069+0+DOC+XML+V0//EN>

<sup>70</sup> Three plans might be mentioned:

- Plan "Intesa 1", part of "Italia 2020", (2009) distributed €34 million among regions for reconciliation measures broadly defined, leaving to regions the decision of how to allocate them; the great majority went to childcare services.
- the National Plan for the Family (2012) targeted the family as a whole and its multifaceted needs but, with the support of the Ministry of Cohesion, it ended by focussing on crèches and services for the elderly by utilizing European funds for the regions eligible for contributions from the Cohesion Fund which had not been invested yet. Care services that could be implemented easily and rapidly were preferred.
- the "Riforma Fornero" (2012) assigns €300 per month for 6 months to working mothers at the end of the compulsory maternity leave as an alternative to the subsequent parental leave. This measure was not successful due to lack of information: the public and many service providers did not know it.

<sup>71</sup> Data refer to 2011 from Eurostat EU-Silc data base.

<sup>72</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1992-02-17&atto.codiceRedazionale=092G0108&currentPage=1>

<sup>73</sup> Decreto Legislativo del 11 aprile 2006, n. 198 - Codice delle pari opportunità tra uomo e donna, a norma dell'articolo 6 della legge 28 novembre 2005, n. 246. Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216&currentPage=1>

## 2.5. Health and reproductive rights

### KEY FINDINGS

- In Italy the overall **prevailing approach** to women's health is still within the framework of gynaecological specialisation and reproductive health. In particular, an overall strategy from a health perspective for accompanying the ageing women is still lacking.
- **Abortion** is regulated by the law since 1978. The abortion rate is one of the lowest among the industrialised countries. The Italian law for abortion allows conscientious objection of staff of gynaecological surgeries; the share of objectors is high and increasing. This hinders the implementation of the law.
- The **law on ART of 2004** was very restrictive, but it has been modified by many interventions on the side of both inferior courts and the Constitutional Court, because many aspects have been considered to be harmful to women's health.
- **Maternal mortality** ratio is among the lowest in the world, however it is cause for concern the excessive number of Caesarean sections and the fact that epidural anaesthesia is not provided by all hospitals with obstetric units across the country.

Italian health services have suffered of the recent cuts in **public expenditure**, while the health needs of the population have been constantly increasing due to different factors: the Supply Induced Demand, the disease mongering, the agency relation between patients and doctors, and the actual deterioration of the health conditions of the population as shown by recent epidemiological data<sup>74</sup>. According to OECD<sup>75</sup> the total public expenditure for health policies in Italy amounts to 1,842 EUR per capita in 2012.

The National Health Service is organised and funded at regional level<sup>76</sup> but coordinated centrally through means of the LEA (Essential Levels of Care) that identify the set of services to be guaranteed in all areas of intervention (health service standards). In the area of public health care, there is very little attention in Italy to gender differences.

In this section the main relevant issues concerning women's health are discussed. It has to be underlined that in the overall prevailing approach women's health is still mainly considered within the framework of gynaecological specialisation and reproductive health. Other relevant issues in the public debate are: ageing, abortion, ART, deliveries, Caesarean sections, and epidural anaesthesia.

<sup>74</sup> Metabolic conditions of the population in Fondazione Farmafactoring 2013.

<sup>75</sup> See the data base available at: [http://stats.oecd.org/index.aspx?DataSetCode=HEALTH\\_STAT](http://stats.oecd.org/index.aspx?DataSetCode=HEALTH_STAT)

<sup>76</sup> 'Italy has a National Health Service based on principles of universalism and comprehensiveness. Established in 1978, the Italian National Health Service absorbs 76.4% of total health care expenditure and it is financed by general taxation.' In Torbica A. and Fattore G. 2005, p. 41.

### 2.5.1. The prevailing approach to women's health

The law 405 of 1975<sup>77</sup> (successively readjusted by law 194/1978 on abortion<sup>78</sup>, laws 184/1983<sup>79</sup> and 476/1998<sup>80</sup> on adoption and fostering, and law 40/2004<sup>81</sup> on ART) had already established the national network of family counselling services with the aim of adopting a **holistic approach to health**, focusing on patient empowerment<sup>82</sup>, with a special attention to women's health<sup>83</sup>. The law that was very advanced at that time **has never been properly and fully implemented**<sup>84</sup>. The main reason has been that its overall holistic approach and social model of healthcare conflicted with the traditional approach and organisational framework of the other services provided by the Italian National Health Service (Grandolfo 2002). Moreover, counselling services faced the opposition of the Catholic Church as they were considered the centres for the promotion of birth control.

Women's health is still mainly considered within the framework of gynaecological specialisation and reproductive health. Only recently has the Istituto Superiore di Sanità, (The Institute of Research and Surveillance of the Ministry of Health) activated and financed an ad-hoc structure on biological gender differences and has launched a **Strategic Project for Women's Health 2008-2012** (Progetto Strategico Salute Donna)<sup>85</sup>. The project has had a very limited impact on health guidelines and health standards and still there is a huge **lack of gender disaggregated data** and information on the health of the population<sup>86</sup>.

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<sup>77</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1975-08-27&atto.codiceRedazionale=075U0405&currentPage=1>

<sup>78</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1978-05-22&atto.codiceRedazionale=078U0194&currentPage=1>

<sup>79</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1983-05-17&atto.codiceRedazionale=083U0184&currentPage=1>

<sup>80</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1999-01-12&atto.codiceRedazionale=099G0015&currentPage=1>

<sup>81</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2004-02-24&atto.codiceRedazionale=004G0062&currentPage=1>

<sup>82</sup> Family counselling services were expected to promote psychological support to maternity and paternity, to offer counselling for contraception, to protect women's and children's health, to offer information on infertility and sterility and to deliver support and information on assisted conception treatments. Finally, counselling services were expected to assure information on the procedures for children adoption and fostering (a role which has been considered inappropriate by some, as requiring highly qualified staff with different training).

<sup>83</sup> The Italian law anticipated the content of the Ottawa Charter on the right to health promoted by the WHO in 1986.

<sup>84</sup> According to the law there should have been 1 counselling service every 20,000 inhabitants. Actually they have never been so many and now their number is even decreasing due to cuts in public spending. In 2007 they were 2,097 and in 2009 they were 1,911 only.

<sup>85</sup> The project revolves around the following 5 priorities:

- Dismetabolyc syndromes and cardiovascular diseases
- Immunology and endocrinology
- Work and environment
- Iatrogenic diseases and adverse reactions
- Determinants in women's health.

<sup>86</sup> A special issue of Monitoring, the official review of the National medical council of Doctors and Dentists, has been published on Gender Medicine in 2010. Further information available at: [http://www.agenas.it/agenas\\_pdf/monitor\\_26.pdf](http://www.agenas.it/agenas_pdf/monitor_26.pdf)



### 2.5.2. Ageing

According to UN data, Italy and Germany present the highest share of population aged more than 60 years in Europe with the value of 27%<sup>87</sup>. The majority of them are women (78 men every 100 women aged 60 or more and 53 men every 100 women aged 80 or more). However, an **overall strategy** from a health perspective for accompanying the ageing women **is still lacking**. The prevailing approach to women's health as well as to the health of the whole population is still based on specialisation, notwithstanding the fact that the assumption of a holistic approach to ageing is always recommended in official documents.

Another relevant issue is the distinction between **social services** and health services. In Italy social services, differently from the health services that are provided by regions, are provided by municipalities and they cover the home-based care for people with severe impairment. Due to the distribution of responsibilities, the coordination between health services and home-based care is very difficult and this has detrimental effects on individuals who are in need.

### 2.5.3. Abortion

In Italy, abortion is regulated by the law number 194 of 1978<sup>88</sup>. Since then, the phenomenon is well documented. Every year the Ministry of Health has to present a report to the Parliament on the application of the law.

Available **data** (Ministero della salute 2012) show that the abortion rate (number of abortion per thousand fertile women) has decreased since 1982, 7.8 per thousand in 2012, and 8.0 per thousand in 2011, while it stood at 17.2 per thousand in 1982. This is one of the lowest rates among the industrialised countries. **Immigrant women** resort to abortion more than Italian women because they often live in marginal conditions, especially the illegal immigrants, and ignore the opportunities to prevent pregnancies (Sansonettil 2012). Variations in the abortion rate across regions may depend also on the availability of facilities.

The Italian law for abortion allows **conscientious objection** of staff of gynaecological surgeries with regard to abortions<sup>89</sup>. In 2011, the share of objectors was 69.3% of gynaecologists, 43.1% of nurses and 47.5% of anaesthetists. These rates present a high variability across regions and constitute a hindrance to the implementation of the law, as stigmatised by the Council of Europe's Committee of Social Rights on 7 March 2014<sup>90</sup>.

<sup>87</sup> United Nations . Department of Economic and Social Affairs . Population Division data available at: <http://undesadspd.org/Ageing.aspx>

<sup>88</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1978-05-22&atto.codiceRedazionale=078U0194&currentPage=1>

<sup>89</sup> The personnel can change their minds as many times as they want during their professional lives and this makes the choice of objection more strictly related to career interests. Unfortunately there are no mechanisms to prevent employees misusing this opportunity which is common especially among young gynaecologists.

<sup>90</sup> The Committee's decision supports the position held by International Planned Parenthood Federation, the LAIGA (free association of Italian gynaecologists for the implementation of the law on abortion) and the Italian lawyers Marilisa D' Amico and Benedetta Liberali. They clearly state that conscientious objection of medical staff cannot stand in the way of women receiving the reproductive healthcare services guaranteed by Italian law. The Italian State is obliged to make sure women get access to abortion services – as and when required. For more information see: <http://www.ippfen.org/news/major-victory-europe-international-women%E2%80%99s-day>.

Since 2009, the **day-after-pill** (mifepristone) has been commercialised in the country after it has been licensed by the AIFA (Italian Agency for Pharmaceutical Licensing). Notwithstanding the fact that the drug was already adopted in many countries after experimentation, the Italian ministry of health required a further experimentation that started in 2005 and finished in 2009 when the drug was finally approved. The protocol for taking the pill differs from that recommended by the WHO<sup>91</sup>. In Italy the pill has to be taken during the first 7 weeks of amenorrhea, while the WHO recommends it for the first 9 weeks of gestation, and envisages the hospitalisation between taking the pill and the foetus ejection. Abortions through mifepristone have increased from 3.3% of the total in 2010 to 7.3% only in 2011.

#### 2.5.4. Assisted reproduction technology (ART)

Another law that has touched upon women's reproductive health is Law 40/2004<sup>92</sup> on ART. The law, which was conceived to being very restrictive<sup>93</sup>, is the result of intensive legislative work with different proposals and extensive debate which started in 1998 when the first draft was presented to the Parliament (Zanini 2011). However, after many interventions on the side of both inferior courts and the Constitutional Court, because many aspects of the law have been considered to be harmful to women's health, the present regulation of ART does no longer include a limited number of embryos to be created, nor does it dictate for a compulsory immediate and unique transfer of the product of the treatment into the woman's uterus.

#### 2.5.5. Caesarean sections

Italy is one of the best performing countries in maternal health in the world, with a maternal mortality ratio of 4 every 100,000 live births (WHO, UNICEF, UNFPA, WORLD BANK, 2010). The only source for concern is the high incidence of Caesarean sections on the total number of deliveries, compared to other advanced countries. In 2011, there have been 377 Caesarean sections per thousand deliveries. It has been highlighted that this is the result of opportunist behaviours on the side of ASLs that gain higher reimbursement opting for medicalisation of deliveries. It has also been suggested that this might be the by-product of the fears of gynaecologists (medicalisation of delivery establishes a rational control over the birth event that might be risky) and the fears of women who often arrive very poorly prepared to childbirth.

This is the reason why the Minister of Health with the Istituto Superiore di Sanità, has activated the **project 'Birth Path'** to promote natural delivery among women. The project is included in the overall initiative 'Project Objective Maternity and Infancy' activated within the network of Family counselling services<sup>94</sup>.

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<sup>91</sup> WHO "Safe abortion: technical and policy guidance for health systems, Second edition [http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434_eng.pdf?ua=1).

<sup>92</sup> Available at: <http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2004-02-24&atto.codiceRedazionale=004G0062&currentPage=1>

<sup>93</sup> The position as a moral guide of the Catholic church was taken into serious consideration by conservatives during the debate.

<sup>94</sup> More information available at: <http://www.epicentro.iss.it/focus/consultori/grandolfo.asp>

### 2.5.6. Epidural anaesthesia

In Italy, epidural anaesthesia is **not provided by all hospitals** with obstetric units across the country, even if, since 2013, this health service has been included in the list of the LEA. A report<sup>95</sup> on the supply of services of the National Health Service reveals that the service is available in all obstetric units only in two regions, Valle d'Aosta and Friuli Venezia-Giulia. In other regions, especially in the South like Sicily or Basilicata, the service is rarely provided (only in the 6.2% of the obstetric units of the former and in 14.3% of the latter).

There is an on-going debate on the opportunity to adopt this medication to contrast the pain during labour. Reasons for the lack of service could be that stilling pain during childbirth is not a priority and that therefore financial resources are not made available.

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<sup>95</sup> Published by Cittadinanzattiva, a well-known civil society organisation that continuously monitors the availability and costs of public service. The report is available at: <http://www.cittadinanzattiva.it/comunicati/salute/politiche-sanitarie/4921-osservatorio-civico-sul-federalismo-in-sanita-rapporto-2012.html>

### 3. CONCLUDING REMARKS

There has been progress in gender equality in Italy in recent years, while questions of reproductive health and political representation of women remain controversial. Following the economic crisis after 2007, women have shown that they can contribute equally to the economic well-being of families and that they do not want to go back to their traditional role. They continued the search for a job even when they had been dismissed, and some of them have entered the labour market for the first time to contribute to family income in time of widespread unemployment among men. Women still outnumber men in high schools and universities.

Women's civil society organizations have launched a variety of initiatives after many years of silence. However, women's position has not improved for all in the same way: progress has been greater for women in the North than in the South of Italy, as well as for women with higher levels of education.

The economic crisis is threatening some of these achievements. The overall supply of care services that are meant to support female employment is weak and affected by budget cuts. This is particularly true as regards services for the elderly and out-of-school childcare, since little investments can be expected in this area. Women's employment and economic independence is jeopardised both by increasing difficulties in reconciling work and family life and by the increasing loss of jobs in the service sector in the second wave of the crisis since 2010. Whether awareness of these issues will help to design next policies will depend **also** on the possibility of women to get adequate political representation.

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