

# CEDAW ALTERNATIVE REPORT – ITALY Article 2 and article 5

With reference to the Seventh periodic report of Italy on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

**DRAFTED AND COMPILED BY THE ITALIAN NETWORK FOR WOMEN'S RIGHTS (INWR)**

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## Article 2 and article 5

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### Members of the ITALIAN NETWORK FOR WOMEN'S RIGHTS (INWR)

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Rete delle Reti Femminili - [www.retedelledonne.org](http://www.retedelledonne.org)

Politica Femminile - [politicafeemminile-italia.blogspot.it](http://politicafeemminile-italia.blogspot.it)

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## Preface

The Italian Network for Women's Rights (from now on "INWR") is a new group of NGOs. It includes some of the associations leading the Italian platform "30 Years CEDAW: Work in Progress" and coordinating the 2011 Shadow Report with reference to the Sixth Periodic Report on the implementation of the CEDAW Convention submitted by the Italian Government in 2009 (from now on "the Sixth Report").

INWR gathers various Italian human rights associations in order to focus their commitment to exhort the Italian Government to observe a due diligence approach in fulfilling its international human rights and humanitarian law obligations on women's and LGBTIQ rights. INWR's main common goal is the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Italy.

## Introduction

On the occasion of the 30<sup>th</sup> anniversary of the CEDAW, various Italian civil society groups have been carrying out an enormous work culminating in the 2011 Shadow Report<sup>1</sup>. Only thanks to this mobilization the Italian government was induced to provide the Italian translation of the Convention, the General Recommendations and the recommendations to Italy.

However, the CEDAW still remains largely disregarded, even by experts and local institutions, and its implementation failed also at regional level, due to the inadequate dissemination of the Committee's concluding observations. Except for the online publication of the link to the website of the Convention, no other dissemination strategy has been adopted so far.

In the years 2011–2017 some formal progress was registered in the status of Italian women and LGBTIQ persons:

- Law 77/2013, authorizing Italy's ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence ('Istanbul Convention');
- Decree-law 93/2013, converted in Law 119/2013, on violence against women;
- Decree-law 212/2015, implementing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime;
- Decree-law 24/2014 on the prevention of human trafficking and protection of victims, implementing Directive 2011/36/EU;
- Law 76/2016, on *de facto* unions outside the traditional civil marriage, including same-sex unions, the s.c. "civil pacts";
- Law 71/2017 on provisions for the protection of under age persons, to prevent and eradicate cyberbullyism.

Nevertheless, these legal measures are fragmentary and inconsistent and, more importantly, they do not ensure strict adherence to the CEDAW recommendations, as they provide for a lower standard of rights than the one set out in the Convention.

Despite these new laws, the national legal framework still remains limited in its scope and does not provide effective protection against discrimination and violence against women. The concerns expressed in 2011 Shadow Report and addressed in the 2011 Committee's Observations remain unresolved.

Significant discrimination areas and intersectional issues, such as the hate crimes against Roma and LGBTIQ women, the lack of protection of women asylum seekers, cybersexist crimes, the persisting difference between Northern and Southern Italy, are either not addressed or only mentioned in a cursory manner by the Government's report.

The main obstacle remains the persistent lack of a political will to address the controversial issue of patriarchal gender stereotypes, still deeply rooted in the Italian culture, and reinforced by the political debate itself, as well as among the public opinion.

Though in recent years civil society groups and women journalists have been remarkably increasing, in quantity and quality, the information on discrimination and male violence against women in Italy, through websites, weblogs, press columns, newsroom work and public events, the belief in women's responsibility for male violence against them is still alive among the majority of the population.

Hate speech and stances denying women's rights, or providing ethical justifications for the limitation of such rights, have been gaining conspicuous visibility and cultural legitimation in the public debate. Catholic conservative anti-feminist and anti-gender movements are growing, such as their concrete attacks on women's rights in the country.

<sup>1</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add2_en.pdf)

In such a climate, women find it even more difficult to be trusted when they report a violence to the police, or when they are witness in the Court, or when they are judged in psychiatrist's reports as mothers. This very cultural environment is what makes it very hard for many women to access an abortion, or to find protection from violence. The number of femicides as a result of domestic violence is increasing. Other femicides are caused by health professionals who practice conscientious objection to abortion and therefore deny them the proper obstetric treatments.

Serious issues such as the access to justice for women who suffered grave acts of violence, or the enjoyment of sexual and reproductive rights, which would require serious attention, have been addressed in a very superficial manner, through the mere ratification of the Istanbul Convention in 2013 and law reforms which in fact left it neglected in its fundamental parts concerning prevention and protection from violence. This failure in protecting women survived to domestic violence earned the Italian State the Italian State, once again, the censure of the European Court of Human Rights: after 2009 ECHR judgment *Majorano v. Italia*, in 2017 Italy was condemned with the judgement *Talpis c. Italia*.

INWR, therefore – though expressing its complete agreement with the stances and remarks articulated in the Alternative Reports submitted to the CEDAW Committee by other Italian NGOs – decided to dedicate its alternative report in its entirety to the failure of implementation of Articles 2 and 5 of the CEDAW.

It is the unanimous belief of all the organizations which wrote and subscribed this Alternative Report that the main issues still are the deep rooting of patriarchal gender stereotypes and the consequent lack of a political will to adopt measures aiming to raise awareness and gender sensitivity in the whole Italian society and to ensure a systematic training for all the professional figures, in order to eradicate the stereotypes on women's domestic and social roles. This sort of measures require the political presence of a woman Minister of Equal Opportunities (from now on "Minister of EO"), and an independent institution for the promotion and monitoring of women's rights. The vacancy of a political reference for the implementation of the CEDAW determines the lack of consistent policies and long-term financial allocations to achieve this goal. All these factors contribute to reinforce gender stereotypes, prevent an effective protection for women, girls and LBTQI persons who survive discrimination and violence, and neutralize the effectiveness of the few, fragmentary measures adopted to date for the implementation of the Convention in Italy.

## **CHAPTER 1**

### **ARTICLE 2: OBLIGATION OF THE STATE UNDER THE CONVENTION**

#### **1.1. LACK OF CRIMINAL PROTECTION FROM GENDER- AND SEXUAL ORIENTATION BASED DISCRIMINATION** **CEDAW Articles 1 and 2(b)**

As noted in the 2011 Shadow Report<sup>2</sup>, gender and sexual orientation based discrimination is still the only one that is not addressed by criminal law. Act 205/1993 in fact considers a series of violent behaviours carried out for racial, ethnic, national or religious reasons as criminal offences, but analogous behaviours are not recognized as specific criminal offences and therefore prosecutable if due to gender or sexual orientation based discrimination.

#### **Recommendation:**

- *To extend the scope of the Act 205/1993 to include gender- or sexual orientation based crimes.*

#### **1.2. PARLIAMENT DID NOT USE THE CONVENTION AS A LEGAL BASIS FOR LEGISLATION** **Recommendation 11 and 15 (a), (c) CEDAW/C/ITA/CO/6 – CEDAW Article 2**

The Italian Parliament did not use the Convention as a legal basis for national law, not even when faced with the pressure by the civil society. Several measures have been approved – even implementing some EU directives – which clearly reduce in scope or even suppress the rights enshrined in the Convention<sup>3</sup>.

#### **Recommendations:**

- *To fully implement CEDAW 2005 CO no.16, 38, 41;*
- *To make compulsory for the Commission of Constitutional Affairs in Parliament to check the conformity of all drafting Bills;*

#### **1.3. NATIONAL MACHINERY** **Recommendation 19 (b) CEDAW/C/ITA/CO/6 – CEDAW Art. 2**

In 2013 Minister of EO Josefa Idem announced her goal to work, during her mandate, for a consistent reform in the operation of the equal opportunity system, and for an effective anti-violence national plan providing for an effective, permanent involvement of the civil society.

After Minister Idem resigned that same year, the President of the Council did not appoint a woman Minister with an exclusive delegation for equal opportunities, but simply assigned this delegation to women officers working under other Ministries, who chose to abandon Minister Idem's project.

The Extraordinary National Action Plan Against Sexual and Gender Violence (from now on, NAP) launched by the Hon. Giovanna Martelli (delegated for EO by President of the Council Matteo Renzi after the vice-Minister of Labour, Cecilia Guerra, who succeeded Minister Idem) was questioned by all the women's groups because of its weakness and was criticized even by the women MPS as a proof of the lack of co-ordination between the legislative and executive powers.

Though in 2015 a Parliamentary Intergroup for Women's Rights was created, chaired by the President of the Chamber Laura Boldrini, the Parliament's involvement in the process of reporting and CEDAW implementation has been a merely formal step.

The Department of Equal Opportunities (from now on "DEO") still retains the delegation for other topics besides gender equality but does not receive adequate funding from the State budget, which would allow the DEO to achieve a series of specific national goals.

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<sup>2</sup> Point 1.2., p.3,

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT\\_CEDAW\\_NGO\\_ITA\\_49\\_9220\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_NGO_ITA_49_9220_E.pdf)

<sup>3</sup> Decree-law 212/2015, implementing Directive 2012/29/EU and Decree-law 24/2014 implementing Directive 2011/36/EU.

Special concerns are raised by the creation of a Department of Family Policies, distinct from the DEO, “that is responsible, *inter alia*, for the promotion and co-ordination of relevant Government’s action, aimed at ensuring the implementation of family policies and supporting both maternity and paternity”. The scope of this new Department is unclear, in particular regarding such “family policies”, considering that the Government has never put in its agenda any support measure for single women and single-parent families, who are the poorest population groups. Moreover, the complete lack of any co-ordination between the two Departments involves the risk that the new Department’s policies and actions may pose an hindrance to the full implementation of the CEDAW principles, and prioritize the value of the protection of the family over the eradication of the discrimination against women, also within the family.

**Recommendations:**

- *To fully implement 2011 C.O. no.11-19;*
- *To ascertain whether family policy and family law convey and consolidate stereotypes on gender, social origin, ethnicity and heteronormativity, and adopt all the necessary measures in order to prevent and eradicate this phenomenon*
- *To ensure that the Department of Family Policies comply with the CEDAW principles both in its goals and in its actions.*

**1.4. LACK OF FAIR MECHANISMS OF CONSULTATION WITH THE CIVIL SOCIETY**  
**Recommendation 19 (c) CEDAW/C/ITA/CO/6 – CEDAW Art. 3**

The Seventh Periodic Report submitted by Italy to the UN CEDAW Committee (from now on “the Seventh Report”) betrayed a lack of actual information to the general public, authentic consultation of women’s associations and constructive dialogue with civil society.

Moreover, the selection of the candidates for the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) membership at national level was not in line with the transparency and quality requirements laid out in CM/Res(2014)43. Though there were two candidates – a judge with expertise in the Istanbul Convention, and a lawyer and former independent expert on femicide for various United Nations agencies-, both overtly supported by major human rights NGOs and the feminist movement, the Government never revealed the evaluation criteria for the received CVs, nor the identity of those charged with this evaluation.

Both the Inter-Ministerial Committee for Human Rights and the DEO failed to set up any informative or accreditation procedure for the participation and consultation of the NGOs.

In 2013 Minister of EO Josefa Idem announced her goal to work, during her mandate, for a consistent reform in the operation of the equal opportunity system, and for an effective anti-violence national plan providing for an effective, permanent involvement of the civil society. For the first time, the Minister assembled and heeded all the major women’s NGOs (more than 100) in order to create a civil society working group and a departmental task force, including independent experts, to combat violence against women.

After Minister Idem resigned that same year, the President of the Council did not appoint a woman Minister with an exclusive delegation for equal opportunities, but simply assigned this delegation to women officers working under other Ministries, who chose to abandon Minister Idem’s project.

The current Subsecretary to the Presidency of Council, with delegation to EO, Maria Elena Boschi, is following the footsteps of the previous delegates Cecilia Guerra and Giovanna Martelli, as she is carrying out non-binding consultations with about 1/10 of the NGOs which had been involved by Minister Idem, selected with unclear, changeable criteria, persistently excluding from the working groups a lot of experts and representatives from the NGOs chosen by the civil society and representing all the existing groups.

Actually the civil society consultation process is still unclear in terms of purposes, timings and actors involved.

**Recommendation:**

- *To fully implement CEDAW 2011 C.O. no.19, establishing clear mechanisms of consultation, on a regular basis, with NGOs, women’s human rights defenders and civil society experts.*

### 1.5. LACK OF AN INDEPENDENT INSTITUTION FOR THE MONITORING AND PROTECTION OF HUMAN RIGHTS

As noted in the 2011 Shadow Report<sup>4</sup>, to date, Italy is still not complying with the Paris Principles and all the Resolutions made by each of the six UN Treaty Bodies that examined the Italian context in recent years, including the CEDAW Committee as to the establishment of an independent institution for the promotion and monitoring of human rights, though this measure had been announced on the occasion of the 2010 Universal Periodic Review and following round.

#### **Recommendations:**

- *To establish a monitoring body for the promotion and protection of women's rights, as part of the new national independent agency for the promotion and protection of human rights.*

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<sup>4</sup> Point 5.2, p.25 ; 3.3, pp.22-23.

## CHAPTER 2: EDUCATION AND ROLE STEREOTYPES

### 2.1. LACK OF A COMPREHENSIVE, SUSTAINED AND COORDINATED POLICY TO OVERCOME SEXIST PREJUDICES Recommendation 23(a) CEDAW/C/ITA/CO/6 - CEDAW Articles 2(f) and 5

The Government failed to implement CEDAW Recommendation 23(a) of August 2<sup>nd</sup>, 2011.

Despite the understanding of the problem, since 2005 there has not been any general and coordinated national program aimed to fighting the widespread acceptance of stereotyped gender roles. Even among the younger generations, it is deeply rooted the idea that women should conform to traditional roles<sup>5</sup>, because of the absence of long-term political strategies for the deconstruction of gender stereotypes.

After the attempt made by Minister Idem in 2013 (see paras. 1.3 and 1.4 of this report) to elaborate a co-ordinated policy between Government and Parliament for the prevention and eradication of gender discrimination and gender violence, none of the following Governments has taken into serious consideration the need to tackle gender prejudices as the root cause of the disadvantage that women experience in all their life contexts.

The Extraordinary NAP adopted by the delegate to EO Hon. Giovanna Martelli (see para. 1.3 of this report) does not entail any consistent, adequately funded long-term policy, aimed to reaching the whole population, and providing for specific training for all the public officials. This Plan excludes actions targeting all the disadvantaged categories of women – therefore, it constitutes in itself a discriminatory measure.

The lack of political will is also reflected in the political debate and in the adoption of laws and policies that presuppose and reinforce these prejudices. The training initiatives mentioned in the governmental report<sup>6</sup> not only are sporadic and involve a limited number of professionals, but also lack of any effectiveness, because the same institutions which promote them spread stereotypical messages on the social roles of men and women.

#### Recommendations:

- To fully implement CEDAW 2011 C.O. 23

### 2.2. INSTITUTIONAL AWARENESS-RAISING POLICIES CONFIRMING WOMEN'S SOCIAL ROLES

#### 2.2.1. National Fertility Plan and the 'Fertility Day'

On May 27<sup>th</sup>, 2015, the Minister of Health Beatrice Lorenzin announced a national 'Piano per la fertilità' (Fertility Plan)<sup>7</sup>. The main goal of the Plan is "placing Fertility at the centre in our country's health and educational policies". Unlike the Anti-Violence Plan (see paras. 1.3 and 1.4 of this report), for its implementation the Fertility Plan received the conspicuous sum of €150,000.

Such policy is directly discriminatory, as the Government is devoting a more intense effort, in terms of advertising and funding, to incentive the maternal role of women, instead than tackling the prejudices relating to the traditional role of women within the society and eradicate domestic and witnessed violence.

Discrimination finds explicit expression in the passage indicating the goals of the Plan: among them, "Operating a radical change in the current attitudes in order to re-interpret Fertility as an essential need, not only for the couple but for the whole society, by promoting a cultural renovation regarding the issue of procreation" and "Celebrating this cultural revolution by establishing a 'Fertility Day', a National Day of information and training upon Fertility, where the code word shall be discovering the 'Prestige of Maternity'".

The Plan was implemented with the President of the Council Directive of July 28<sup>th</sup>, 2016<sup>8</sup>, establishing the Fertility Day on September 22<sup>th</sup>, 2016. The event has been made public through two awareness-raising campaigns which reinforced the discrimination against those women who choose not to be mothers.

<sup>5</sup> <https://www.weworld.it/weworld-presenta-la-nuova-indagine-rosa-shocking-2/>

<sup>6</sup> Para. 35-41 of the the Seventh report, p.12-13/44.

<sup>7</sup> [http://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_2367\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_pubblicazioni_2367_allegato.pdf)

<sup>8</sup> <http://www.trovanorme.salute.gov.it/norme/dettaglioAtto?id=55811>



Picture 1



Picture 2

These campaigns (#fertilityday) were withdrawn by the Department after massive criticism from women’s NGOs and civil society, as they were perceived as exclusively aiming to increasing Italy’s fertility rates by force of propaganda and heavily blaming the behaviours and choices of young women or young couples for the low natality rates (#fertilityfake). More than a thousand psychologists addressed the Minister of Health in an open letter, declaring that, in their opinion, the fertility campaign is “outrageous for us as women, as men, as persons, but above all as health professionals, we find it dangerous for a female population already oppressed by condition of extreme difficulty as to the choice of reproduction, because those cards may induce a significant, pathogen sense of guilt”<sup>9</sup>. In particular, a poster (see picture 1) draw harsh criticism for reinforcing racist stereotypes. The picture is divided in two parts to symbolize the two faces of lifestyles: in the upper half, a group of youths with white skin, bright smiles, dazzling teeth and the sun shining over them, personify “good habits” – while in the lower half, hardly distinguishable in their sepia shade, boys and girls with dark/black skin or dreadlocks, smoking grass, represent the “bad ‘fellows’ you’d better give up”. A disciplinary proceeding has been started on the matter, with the demand of removal from office for the director general (a woman) of the Minister’s communication office<sup>10</sup>. Renzi himself defined the campaign ‘that cannot be watched’.

Except for the funding of maternity ‘propaganda’ campaigns, neither the Plan nor, in general, government’s policies have adopted integrated measures to remove the obstacles preventing maternity for young women, nor introduced any form of stronger protection to support the work-life balance.

### 2.2.2. The official spot for the 2016 World Day against VAW

The lack of gender awareness and full understanding of the institutional obligations deriving from the Convention emerges clearly from the inadequacy of the campaigns addressing male violence against women. This Government’s communication campaign against violence against women “Put yourself in her shoes”<sup>11</sup> has a discriminatory nature. On the occasion of the International Day against Violence Against Women it ask men to identify with women’s point of view, but not considering domestic violence. It is about gang rape perpetrated by strangers, on the streets, at night, a form of violence which is statistically much less widespread than domestic violence or sexual intimate violence. This contributes to reinforce among the public opinion the prejudice that male violence against women is a matter of public security, and that women should be protected by ‘their’ men from strangers likely to attack them. The awareness-raising campaign launched by RAI on the same occasion is equally re-victimizing. It shows some interviews to little boys and girls about the achievements they hope to reach as adults, and last comes a girl who answers: “When I’m grown up I’ll end to the hospital because my husband beats me”. The spot met harsh criticism by the civil society, social networks and even simple users, because the girl’s answer highlighted as a feminine prerogative the fact of being meant to suffer some form of violence in a lifetime, like a victim marked by an

<sup>9</sup> [https://www.facebook.com/notes/sara-alaimo/lettera-aperta-alla-ministra-lorenzin/10153658547381230?\\_mref=message\\_bubble](https://www.facebook.com/notes/sara-alaimo/lettera-aperta-alla-ministra-lorenzin/10153658547381230?_mref=message_bubble)

<sup>10</sup> [http://www.corriere.it/cronache/16\\_settembre\\_22/messaggi-razzisti-ritirato-l-opuscolo-fertility-day-lorenzin-salute-f455a692-8082-11e6-8c4f-1739fe9f1372.shtml](http://www.corriere.it/cronache/16_settembre_22/messaggi-razzisti-ritirato-l-opuscolo-fertility-day-lorenzin-salute-f455a692-8082-11e6-8c4f-1739fe9f1372.shtml)

<sup>11</sup> Para 39 CEDAW/C/ITA/Q/7/Add.I, p.9

ineluctable fate. Even the FNSI<sup>12</sup>, USIGRAI<sup>13</sup> and RAI EO committees dissociated themselves from this communication choice, observing: “This is not the way to help women! This communication campaign gives a devastating message: little girls’ future is getting killed. Femicide is neither an accident nor a fate. Such kind of messages are the opposite of the awareness we need to eradicate violence. These spots are harmful – above all because they feature children, which makes them even more unacceptable”. The negative reaction by the civil society reached such an extent that RAI was forced to withdraw immediately the spot<sup>14</sup>.

### **Recommendations:**

- *To fully implement CEDAW 2011 C.O. n. 23;*
- *To ascertain whether the National Fertility Plan conveys and consolidates stereotypes on gender, social origin, ethnicity and heteronormativity, and adopt all the necessary measures in order to prevent and eradicate this phenomenon.*

## **2.3. PATRIARCHAL STEREOTYPES IN THE EDUCATION SYSTEM**

The educational system is still very much characterized by gender stereotypes.

Young women students are often victims of body shaming and bullying due to their sexual behaviour or gender non-conformity.

The Government could not specify the number of modules dedicated to women’s human rights and gender education within each subject curricula in the last five years; the number of modules dedicated to women’s human rights and gender education within the schoolbooks in the last five years; the percentage of training activities for teachers with experts in the field of women’s and children’s rights.

The lack of an effective plan to challenge gender stereotypes within primary and secondary schools caused the rooting of grave forms of symbolic on-line violence, also involving criminal offences such as to engender a new phenomenon of femicide, virtual first, then real – like in the case of Tiziana Cantone, a girl from Naples who committed suicide after the illegitimate spreading of a video showing moments of her strictly private life<sup>15</sup>, or in the case of a girl from Rimini who was filmed by her friends during the sexual violence she suffered by a young man in the back-shop of a disco.

Gender non conformed students and teachers often experience discrimination on both sides. According to a survey carried out among 2.138 students in the Italian Region of Friuli Venezia Giulia, 33,42% of the participants report having witnessed act of bullying against a lesbian girl, or believed as such<sup>16</sup>. A school in Trento refused to renew the employment contract to a lesbian teacher due to her sexual orientation<sup>17</sup>.

As to migrant and women asylum seekers, the access to education is very difficult for them, especially for asylum seekers hosted in camps located in small villages and in rural areas.

As noted by the Special Rapporteur on Violence Against Women in her Mission to Italy, the access to middle-school level and vocational training for women in prison is limited and based on stereotyped roles.

### **Recommendations:**

- *To fully implement CEDAW 2011 CO 23(A);*
- *To ensure the provision of a sufficient and nationwide offer gender-sensitive integration and language courses for all migrant women and women asylum seekers, included those hosted in rural areas, hotpots and reception camps.*
- *To ensure constant provision of gender-sensitive education for all, including women detainees.*

<sup>12</sup> National Federation of Italian Press.

<sup>13</sup> Trade Union of the RAI Journalists.

<sup>14</sup>

[http://www.repubblica.it/politica/2016/11/24/news/polemica\\_per\\_lo\\_spot\\_con\\_bimbi\\_contro\\_la\\_violenza\\_sulle\\_donn\\_e\\_sospenderlo\\_subito\\_-152700619/](http://www.repubblica.it/politica/2016/11/24/news/polemica_per_lo_spot_con_bimbi_contro_la_violenza_sulle_donn_e_sospenderlo_subito_-152700619/)

<sup>15</sup>

[http://napoli.repubblica.it/cronaca/2017/04/11/news/suicida\\_per\\_video\\_hot\\_il\\_gip\\_chiede\\_alla\\_procura\\_di\\_indagare\\_su\\_facebook-162718007/](http://napoli.repubblica.it/cronaca/2017/04/11/news/suicida_per_video_hot_il_gip_chiede_alla_procura_di_indagare_su_facebook-162718007/)

<sup>16</sup> [http://www.ilgazzettino.it/nordest/udine/omofobia\\_scuola\\_ricerca\\_friuli\\_bullismo\\_ragazzi\\_aula-1038377.html](http://www.ilgazzettino.it/nordest/udine/omofobia_scuola_ricerca_friuli_bullismo_ragazzi_aula-1038377.html)

<sup>17</sup>

<http://www.ilfattoquotidiano.it/2017/03/10/trento-professoressa-licenziata-perche-lesbica-scuola-condannata-a-risarcimento-di-45mila-euro/3441557/> .

## 2.4. INADEQUATE FUNDING AND COORDINATION OF POLICIES AIMED TO ELIMINATING PATRIARCHAL STEREOTYPES IN THE EDUCATION SYSTEM

### 2.4.1. School projects for the struggle to male violence against women

In 2016, the DEO allocated some funds for school projects against gender violence. The contributions have been granted, however, the announcement of public selection was made in such a way as to pose many obstacles to the access. The timeline was strict: the announcement was issued at the end of November 2016 with the deadline set for the beginning of December of the same year, which prevented many organizations, groups, schools – more specialized on the matter, but less structured – from participating. Teachers reported another negative factor in the announcement, namely the fact that no directions were given concerning specific goals, a structured path to be made with boys and girls in schools; instead, the project was described as a generic ‘something to do’, to be elaborated and carried out without even the mandatory participation of gender experts. As a result, some of the projects that had been carried out without a gender approach produced materials which reinforce prejudice instead of giving the correct information in order to prevent male violence against women.

### 2.4.2. ‘La Buona Scuola’ (Good School), gender education as a danger, and the failure in training all the teachers

The “Buona Scuola” Act provided for the introduction of periodic training of women teachers on a variety of ‘sensitive’ issues, including those relating to gender issues. The decree-law on the matter introduced, at its comma 16, specific units on equal opportunities in schools at every level and grade.

These reforms remained unimplemented because of the criminalization of gender education by conservative Catholics, who call it ‘gender theory’ and consider it a form of mental deviation, in children and teenagers, from the normality of heterosexuality and the central role of family within the society.

As a reaction to the controversy, the Chief of Department at the Department of Education – instead of simply applying the two laws mentioned as a reference in comma 16 of the ‘Buona Scuola’ Act<sup>18</sup> – replied with a memorandum<sup>19</sup> addressed to all the Italian schools, explaining that there is no intention to adopt the ‘gender theory’ in schools: “*It is reaffirmed, therefore, that neither ‘gender ideologies’, nor the teaching of practices which are extraneous to the educational world, form part of the rights and duties and the knowledge to be conveyed[to the students].*”

This document started a very intense discussion in the Committee which dealt with the law’s implementing decrees, which were published only at half May 2017, and still failed to establish educational modules on equal opportunities, nor even include any reference to gender, nor make any provision for training and refresh courses on this matter for teachers.

There is equally no provision for gender education within the curriculum of University Pedagogy courses. In addition, Italy has few gender departments and even fewer universities where Pedagogy courses include the discipline of gender pedagogy. This is the main reason because women teachers are not trained on these issues, with the exception of those who already have a previous interest and registers for specific courses held by women’s organizations. The fact that little boys and girls cannot receive proper education on gender stereotypes is a direct consequence of the difficulty to train teachers. Some Regions, including Liguria and Lombardia, in direct breach of the Convention have endorsed and funded two projects called on the media ‘anti-gender telephone line’, which were presented as a counseling service to help families in their relationship with schools, but had the declared finality to defend the family from the external threats represented by gender. In both cases the funds allocated amounted to more than €30,000 for public projects, even when undertaken on contract by conservative private Catholic organizations, in violation of human rights and the equal opportunities and equality principles enshrined in the national Constitution.

#### **Recommendations:**

- *To fully implement CEDAW 2011 C.O. 23(b),(c);*
- *To refrain from funding anti-gender projects in contrast with the CEDAW principles;*

<sup>18</sup> Decree-law 93/2013 (converted in law 193/2013), and Law 128/2013, Article 16(D).

<sup>19</sup> Prot. AOODPIT n. 1972 del 15/09/2015

- *To ensure the adoption of school curricula which promote anti-discrimination culture;*
- *To ensure non-discriminatory pedagogy of diversity to be compulsory included in teacher training and other pedagogical training courses.*

## CHAPTER 3: STEREOTYPES IN THE MEDIA AND ADVERTISING

### 3.1. LACK OF NATIONAL LEGISLATION ADDRESSING SEXIST ATTITUDES IN THE MEDIA AND ADVERTISING INDUSTRY

Recommendations 24 and 25 CEDAW/C/ITA/CO/6 – CEDAW Articles 2 and 5

Unlike other EU countries, Italy still does not have a law addressing stereotypical and sexist attitudes in the media and advertising industry, though since 2010 some draft laws have been filed with the Parliament<sup>20</sup>. Since 2011, in violation of CEDAW Article 2 and specific Recommendations 24 and 25 of August 2<sup>nd</sup> 2011, the only measure adopted in order to ensure that the public broadcasting networks act in compliance with the principles enshrined in the Convention was the already mentioned NAP involving the proposed creation of expert panels to monitor and assess the impact of sexist stereotypes on the representation of gender violence<sup>21</sup>. However, the Plan failed to provide any specific indication as to the selection criteria adopted for such panels, and their actual scope. Anyway, to this day, the Plan has not yet been implemented.

Compared to what had been documented in the 2011 Shadow Report, to date there does not exist any Governative monitoring service on the persistence of sexist stereotyping, in women's portrayal and in the narration of violence, by information and the media in general. There are three gender monitoring services, carried out by the Journalists National Bar Association, AGCOM and RAI – the two first do not make their outcomes public, while RAI does, but without imposing any corrective measures or sanctions as a result of the analysis.

Such measures are utterly inadequate to reach their own goals. We can therefore conclude that no proper legal or other measure has been adopted to this day in order to ensure that the public broadcasting networks act in compliance with the principles enshrined in the Convention, and that all the media and the advertising industry cease every practice which constitutes discrimination against women.

#### Recommendations:

- *To introduce a legal definition of sexist advertising;*
- *To adopt a law addressing stereotypical and sexist attitudes in the media and advertising industry;*
- *To establish an independent ad hoc reporting mechanism, with effective and adequate administrative sanctions.*

### 3.2. INEFFECTIVENESS OF THE SELF-REGULATION MECHANISM ADDRESSING SEXIST ATTITUDES IN THE MEDIA AND ADVERTISING INDUSTRY

Recommendations 24 and 25 CEDAW/C/ITA/CO/6 – CEDAW Articles 2 and 5

The situation remains critical as denounced in 2011 Shadow Report<sup>22</sup>. As affirmed in the Governative Report<sup>23</sup>, the only possible action against sexist advertising is reporting to the Self-regulatory Institute on Advertising (IAP). The MoU between the DEO and the IAP already proved insufficient in reducing sexist advertising, as it is still unimplemented to this day. The IAP is a private body created by advertising professionals as an offshoot of the lobby of advertising users UPA, and therefore it stands in a conflict of interests as for its very goal. To worsen the situation in comparison with the year 2011, in the IAP's new composition does not include any expert in gender issues who can evaluate the sexist nature of an advertisement. Though women's organizations have been promoting the recourse to this agency, the records show the poor effectiveness of its action, as the IAP can provide precautionary advice upon request, but has no power to prevent the publication of sexist advertisements, and can ask a company to stop an advertising campaign, but cannot even impose economic sanctions in case the company does not comply with its decisions.

In addition, no assessment has been carried out on the effectiveness of the ANCI<sup>24</sup> mechanism in monitoring local advertising.

<sup>20</sup> <http://www.camera.it/leg17/126?tab=2&leg=17&idDocumento=1450&sede=&tipo=>

<http://www.camera.it/leg17/126?tab=2&leg=17&idDocumento=297&sede=&tipo=>

<sup>21</sup> [http://www.pariopportunita.gov.it/media/2738/piano\\_contro\\_violenzasessualeedigenere\\_2015.pdf](http://www.pariopportunita.gov.it/media/2738/piano_contro_violenzasessualeedigenere_2015.pdf)

<sup>22</sup> Point 5.3.2, p.26, of 2011 Shadow Report.

<sup>23</sup> Seventh Report, para. 37, p.12- 13/44.

<sup>24</sup> Seventh Report, para. 37, pp.13 to 44 and CEDAW/C/ITA/CO/6, para. 25.

### 3.2.1. Guidelines on the portrayal of women in national public broadcasting (RAI)

According to the Governative Report, the RAI has adopted specific guidelines to improve women's portrayal, but this statement is incorrect<sup>25</sup>. The indicated link<sup>26</sup> refers to RAI guidelines for fictional television series, which do not include any reference to a correct depiction of women's role, while this reference is included in RAI's social budget<sup>27</sup>. Remarkably, the failure in complying with these general guidelines does not involve any consequence, neither concerning broadcasting nor other sanctions.

In 2016 the RAI concession<sup>28</sup> expired. In order to renew the concession, the Department of Economic Development launched a civil society consultation, but the criteria for the selection of the participant organizations were not clear<sup>29</sup>. Women's NGOs with a long term expertise in the work against sexism in the media and for gender *par condicio* were excluded, despite the protest expressed by DonneinQuota, Aspettarestanca, Rete per la Parità<sup>30</sup>. The exclusion of women's groups constitutes a direct violation of the Convention by the Government, as it prevented gender clauses to be introduced in the very act with which the Government established the principles that RAI is bound to respect in providing the public service, having a 10-year duration.

According to the concession terms, every five years (in the past, every three) a service contract has to be stipulated. For the renewal period of the 2010/2012 contract—that is still in force—, the Department of Economic Development had failed to involve the civil society in a consultation process, and it was only thanks to the insistence of the most representative women's NGOs, which demanded to be considered an interlocutor, that 13 gender amendments were introduced. For 2013/2015 renewal period, women's NGOs had submitted new amendment proposals, which were approved, to ensure the contract's compliance with the CEDAW recommendations<sup>31</sup>. Even though the new service contract has ended the legislative process, it has never entered into force. There is no mechanism ensuring that the 'CEDAW amendments' are maintained in the next service contract, as this decision lies with the political will of the Minister of Economic Development.

### 3.2.2. Absence of guidelines on the portrayal of women in private broadcasting

The guidelines for public broadcasting service do not apply for private television networks, as they are a part of the RAI social budget. The monitoring authority for the whole public and private audio-television sector (AGCOM) carries out a gender-sensitive monitoring, but without making its outcomes public nor using them as a basis for actions of improvement. The situation has gone worsening compared to the previous reports, because both the Renzi government and the following ones cancelled the expert panel that was established in 2012 at the DEO for the elaboration of a self-regulation code providing guidelines for a correct portrayal of women in the media.

#### Recommendations:

- *To fully implement CEDAW 2011 C.O. 24-25;*
- *To adopt a strategy to continuously examine the private and public media for consolidated gender stereotypes and counteract them;*
- *To create a common code of conduct on sexist stereotyping for public and private media, providing for corrective actions in case of violation*
- *To introduce an express legal ban on gender discriminatory advertisement*
- *To provide for the compulsory introduction of gender clauses in public service concession and in RAI's service contract. These clauses should be defined in co-operation with women's NGOs and independent experts on women's rights*

<sup>25</sup> CEDAW/C/ITA/7, p. 13, para. 38.

<sup>26</sup> Nota 51 CEDAW/C/ITA/7, p. 13, para. 38. [http://www.rai.it/dl/rai/text/ContentItem-90a3232f-5d76-4bd0-80df-49c3800276d2.html?refresh\\_ce](http://www.rai.it/dl/rai/text/ContentItem-90a3232f-5d76-4bd0-80df-49c3800276d2.html?refresh_ce)

<sup>27</sup> <http://www.bilanciosociale.rai.it/it/appendice-bilancio-sociale-rai/>

<sup>28</sup> A public contract entrusting the RAI committing to the RAI the management of the public radio, tv, media service.

<sup>29</sup> <http://www.sviluppoeconomico.gov.it/index.php/it/per-i-media/comunicati-stampa/2034373-cambierai-via-alla-prim-consultazione-pubblica-sulla-rai>

<sup>30</sup> <https://aspettarestanca.wordpress.com/2016/04/14/cambierai-in-peggio-la-consultazione-del-mise-parte-male-e-non-solo-perche-mancano-le-donne/>

<sup>31</sup> <http://www.sviluppoeconomico.gov.it/images/stories/documenti/INTERVENTO BARBARA SPINELLI 2012.pdf>

- *To provide for an independent observatory with a joint membership between the DEO and women's NGOs*

## CHAPTER 4: SEXIST STEREOTYPES AND PARTICIPATION IN POLITICAL AND PUBLIC LIFE

### 4.1. HATE SPEECH AGAINST WOMEN IN TOP POSITIONS

Recommendation 22-23 and 33 CEDAW/C/ITA/CO/6 – CEDAW Articles 5 and 7

In comparison with the situation reported in 2011, the use of a disrespectful and stereotyped language referring to women, both in public statements reported by media and in institutional events, has been remarkably increasing. In conjunction with the increased number of women holding political top positions, the women who since 2011 have been holding important institutional roles have been the target of hate and sexist speech by both the public opinion and their own colleagues. Only for imposing the respect for the Italian language and the gender-sensitive male/female declension of the nouns referring to institutional roles, the President of the Chamber, Laura Boldrini, suffered violent online attacks<sup>32</sup> and received a series of disparaging epithets. Both President Boldrini and women Ministers and Mayors have often been the target of media attacks based on their own private life<sup>33</sup> or their clothes<sup>34</sup>, details which are highlighted even by the press without any possible justification. Men politicians intervene very seldom to express public condemnation for such episodes and show their solidarity to their colleagues. On the opposite, using strongly discriminatory statements relating to women's social role is a practice which is still very common in the political debate at both national and local level. In times of election campaigns, too, communication strategies (slogans, posters etc.) still take advantage of portraying women as sexual objects<sup>35</sup>.

### 4.2. DISCRIMINATION AGAINST WOMEN IN POLITICAL COMMUNICATION

Moreover, the principle of an equal presence of both genders in political communication is disrespected. The Law 28/2000 on equal access to the media has been modified by the Law 215/2012 with a view to compelling the media to ensure equal participation for women and men in political tv/radio programs during the whole year, not only in times of elections. Despite this important law reform, in five years since its adoption the goal of an equal media presence for both genders is still far from achievement. The figures relating to women's presence in 2014 and 2015 election campaigns show a 23,1% in 2014 and 22,3% in 2015<sup>36</sup>. These statistics, which should be published in real time and easily available//accessible on the Parliament's official website (RAI Parlamento), in fact are published

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<sup>32</sup> [http://www.corriere.it/english/14\\_febbraio\\_03/boldrini-attacks-grillo-blog-insults-from-potential-rapists-930f52e8-8cc9-11e3-b3eb-24c163fe5e21.shtml](http://www.corriere.it/english/14_febbraio_03/boldrini-attacks-grillo-blog-insults-from-potential-rapists-930f52e8-8cc9-11e3-b3eb-24c163fe5e21.shtml); <http://archyworldys.com/salvini-new-offenses-sexist-to-boldrini-and-controversy/>

<sup>33</sup> [http://www.repubblica.it/cronaca/2016/11/25/news/basta\\_sessismo\\_in\\_rete\\_e\\_boldrini\\_publica\\_i\\_nomi\\_di\\_chi\\_la\\_insulta-152755106/](http://www.repubblica.it/cronaca/2016/11/25/news/basta_sessismo_in_rete_e_boldrini_publica_i_nomi_di_chi_la_insulta-152755106/); [http://www.repubblica.it/politica/2014/02/01/news/grillo\\_attacca\\_boldrini\\_sui\\_social-77461212/](http://www.repubblica.it/politica/2014/02/01/news/grillo_attacca_boldrini_sui_social-77461212/); <http://video.corriere.it/salvini-la-bambola-gonfiabile-palco-c-sosia-boldrini-esplode-polemica/891e4544-5267-11e6-9335-9746f12b2562/>;

<https://infosannio.wordpress.com/2017/02/10/vittorio-feltri-la-patata-bollente/#jp-carousel-274052>;

[https://twitter.com/ale\\_moretti/status/864063142871150593/photo/1?ref\\_src=twsrc%5Etfw&ref\\_url=http%3A%2F%2Fwww.liberoquotidiano.it%2Fgallery%2Fpersonaggi%2F12385166%2Flibero-matteo-renzi-maria-elena-boschi-non-scopano-ramazza-day-roma-polemica-titolo-alessandra-moretti.html](https://twitter.com/ale_moretti/status/864063142871150593/photo/1?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fwww.liberoquotidiano.it%2Fgallery%2Fpersonaggi%2F12385166%2Flibero-matteo-renzi-maria-elena-boschi-non-scopano-ramazza-day-roma-polemica-titolo-alessandra-moretti.html);

<http://www.askanews.it/politica/2016/08/10/bufera-sul-fatto-il-pd-offese-sessiste-al-ministro-boschi-pn-20160810-00110/>;

[http://www.corriere.it/foto-gallery/moda/news/17\\_aprile\\_04/maria-elena-boschi-pizzo-verde-cena-gala-salone-78964ee6-193c-11e7-abec-63a8e356a8af.shtml](http://www.corriere.it/foto-gallery/moda/news/17_aprile_04/maria-elena-boschi-pizzo-verde-cena-gala-salone-78964ee6-193c-11e7-abec-63a8e356a8af.shtml)

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[https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwjohpDI6azUAhUsAcAKHQROB9UQFghJMAg&url=http%3A%2F%2Fwww.ilgiornale.it%2Fnews%2Finterni%2Fvestito-blu-ministro-boschi-zara-e-costa-meno-cento-euro-998857.html&usq=AFOjCNEcUIJWvwja3JYwNqKss8Bh6\\_fYQg&sig2=pc612hB1xr-nlbij5TB08A](https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKEwjohpDI6azUAhUsAcAKHQROB9UQFghJMAg&url=http%3A%2F%2Fwww.ilgiornale.it%2Fnews%2Finterni%2Fvestito-blu-ministro-boschi-zara-e-costa-meno-cento-euro-998857.html&usq=AFOjCNEcUIJWvwja3JYwNqKss8Bh6_fYQg&sig2=pc612hB1xr-nlbij5TB08A);

<sup>34</sup>

<sup>35</sup> <http://www.ilfattoquotidiano.it/2016/05/10/manifesti-elettorali-a-bologna-candidato-mette-il-sedere-di-una-modella-sul-volantino/2714593/>;

[http://www.ilgazzettino.it/pay/nazionale\\_pay/un\\_manifesto\\_elettorale\\_accanto\\_publicita\\_di\\_un\\_locale\\_hard\\_la\\_foto-949747.html](http://www.ilgazzettino.it/pay/nazionale_pay/un_manifesto_elettorale_accanto_publicita_di_un_locale_hard_la_foto-949747.html); <http://www.castedduonline.it/area-vasta/lungo-la-130/45426/mario-puddu-squallore-sessista-che-offende-donne-e-cittadini-di-pula.html>

<sup>36</sup> <http://100esperte.it/>

only upon request by organizations, and anyway only at the end of the electoral campaign. Moreover, there is no sanction whatsoever for the lack of compliance with the anti-discrimination regulations.

The same law charges the AGCOM with the task of monitoring and reporting the respect of equal media presence in political communication by private broadcasting networks, but the results of such monitoring is not accessible on the relevant websites.

***Recommendations:***

- *To adopt special temporary policies and actions in order to ensure that political communication does not convey sexist contents, and that there is full compliance with Law 28/2000.*

## CHAPTER 5: PATRIARCHAL STEREOTYPES AND VIOLENCE AGAINST WOMEN

### 5.1. STEREOTYPES ON VIOLENCE AGAINST WOMEN AND REPRESENTATION IN THE MEDIA

Television, press and web information constantly re-victimize those women who experienced male violence, through their stereotypical portrayal of the woman as a guilty or accomplice in the violence she suffered, because of her own behaviour.

Despite the strenuous work of many journalists who have been promoting and keep promoting a correct representation of the phenomenon – in constant co-operation with the experts from shelters and with survived women, news are frequently presented by both demonizing the woman victim of violence<sup>37</sup>, and by providing justifications for the perpetrator<sup>38</sup>, by ascribing the acts of domestic violence to a ‘raptus’ due to mental illness, or economic difficulties, or the woman’s will to leave her partner.

While blogs and columns are flooded with correct, respectful information, mainstream media adopt a re-victimizing language. Though the term *femicide* has been introduced in the Treccani Encyclopedia since 2015<sup>39</sup>, the media continue to use it incorrectly, only to define the femicide perpetrated by a partner or ex-partner. Also the visual aspects contribute to re-victimization, e.g., femicide news are often accompanied by stereotyped pictures of the killed woman in swimsuit if she is young and good-looking. This happens because the prejudicial depiction of woman as a temptress or prey and therefore, in any case, responsible for the violence she suffered, and of man as too jealous or sick and tired of women’s demands, is still quite alive in Italy, even among information professionals – see headlines such as, e.g., “Strangled by her jealous boyfriend”, “Unemployed man throws children down the balcony”, “Speaks her ex-partner’s name, killed out of jealousy”, etc.

Under-age victims often see their privacy violated, mostly by local media<sup>40</sup>, despite a self-regulation professional ethics code protecting their privacy (the s.c. ‘Treviso Charter’).

In particular, it is very frequent the case of girls under age victims of pedophilia or instigation to prostitution who are portrayed as “baby prostitutes” in the headlines. This phenomenon usually does not obtain the least institutional intervention to condemn it, and, though the Journalists Bar Association sanctions some cases, many eludes every control.

The JBA’s EO Working Group created a permanent Observatory charged with monitoring the cases of sexist and gender-discriminatory language or narration. The outcomes of this activity have not yet been made public.

The JBA instituted compulsory professional training, and promoting several courses in the whole country, concerning the representation of violence and of gender discrimination, but this measure is still insufficient to solve the problem because such courses cannot reach every place in the country. In addition, the JBA created a constant monitoring on gender discriminations, whose outcomes, however, have not yet been made public, and in 2016 it ratified<sup>41</sup> the International Federation of Journalists (IFJ) handbook on how to describe male violence against women on the media, a good example of self-regulation, also in the spirit of Article 17 of the Istanbul Convention – codes, however, which are usually disregarded, such as the Treviso Charter, or even remain unknown to Italian professionals, such as the IFJ handbook. Due to the lack of an efficient and constant monitoring, the sanctions imposed by the JBA for the breach of such guidelines are adopted on the sole basis of reports.

#### **Recommendations:**

- To fully implement CEDAW 2011 C.O. 27;
- To amend the Extraordinary NAP on VAW with the provision for adequate funding and actions for the full implementation of CEDAW 2011 C.O. 27;
- To provide in the MoU for the introduction of the IFJ 10-point handbook on the narrative of male violence against women in the Italian national Journalists Bar Association’s professional ethics code;

<sup>37</sup> <https://donnexdiritti.com/2014/09/22/femminicidio-rivittimizzazione-e-convenzione-di-istanbul/>

<sup>38</sup> <https://www.youtube.com/watch?v=zUC6F-0uqn0>

<sup>39</sup> [http://www.treccani.it/enciclopedia/femminicidio\\_res-49388c97-2723-11e6-8a1f-00271042e8d9\\_%28Enciclopedia-Italiana%29/](http://www.treccani.it/enciclopedia/femminicidio_res-49388c97-2723-11e6-8a1f-00271042e8d9_%28Enciclopedia-Italiana%29/)

<sup>40</sup> <http://www.odg.it/content/femminicidio-e-violenza-le-parole-giuste>

<sup>41</sup> <http://www.odg.it/content/testo-unico-dei-doveri-del-giornalista>

- To ensure the dissemination of the IFJ 10-point handbook in information programs and among press/radio/television editorial teams at both national and local level;
- To establish a mechanism for permanent dialogue between the Department of Equal Opportunities and the permanent Observatory of the Journalists Bar Association's Working Group on Equal Opportunities;
- To establish immediate reporting and sanctioning mechanisms for discriminatory and sexist narrations;
- To ensure permanent training for media professionals on non-sexist language and the narration of femicide. Trainers should be gender experts and representatives of women's NGOs.

## 5.2. STEREOTYPES ON VIOLENCE AGAINST WOMEN IN THE JUDICIARY

### Articles 5 and 7 - General Recommendations 19 and 33

Women lawyers and judges are overexposed to sexist attacks. Despite the growing number of gender-sensitive training organized by ADAMI to sensitize the judiciary about women's rights and non-discrimination principles, the number of judgment using sexist stereotypes to legitimize or minimize violence is still remarkable. The areas of judgment most affected by sexist stereotypes are sexual violence, cultural motivated crimes, divorce and custody of child. One of the root causes of this persisting use of discriminatory motivations is reported by women judges themselves<sup>42</sup> as "the existence of a deeply rooted sexism" preventing women judges the access to top positions and to roles of professional training management. Though the winners of the selections for the access to the judiciary are 60,99% women and 39,01% men, the top positions are held mostly by men (76,91%)<sup>43</sup>; there is only one woman among the judges members of the Consiglio Superiore della Magistratura (High Council of the Judiciary), and only one woman sits in the board of the Judiciary's Higher Training School. According to the ADAMI, this gap can be filled only through special temporary measures<sup>44</sup>.

#### Recommendations:

- To fully implement CEDAW 2011 Recommendation 33.

## 5.3. STEREOTYPES ON VIOLENCE AGAINST WOMEN AND CUSTODY OF CHILDREN

### Article 5, 16, G.R. 19 and 33

We refer to all the remarks submitted in 2011 Shadow Report<sup>45</sup>. CEDAW Recommendations 50 and 51 (2011) have been disregarded.

Some derogatory law drafts on joint parental custody are constantly being submitted to the Italian Parliament, on the basis of the persistent prejudice that most mothers deliberately manipulate their children and accuse the fathers of violence with the sole aim to obtain the exclusive custody of the children. Those who advocate for this prejudice invoke as a legitimation the pseudo-scientific theory of the s.c. 'parental alienation'. Statically, this theory is used as a defence by husband who have been reported by the for violence or have received another exclusion measure involving the right to visit the underage children. This defence line is also used in case of unreported violence, when underage children who has been witnessing abuse refuses to meet their father. In such cases the mother is accused of 'malevolence and of conducts aiming to 'alienate' the children from their father.

Although, after the 2011 CEDAW recommendations, this theory has been repudiated by the Italian psychology society (SPI), as well as by the Italian Department of Health, it still constitutes the basis of psychological reports in the proceedings before the Juvenile Court and for separation or divorce. As a result, on the basis of such expert's reports, women who survive violence are imposed by court orders a forced mediation with their attackers, and abusive parents are granted the right to visits or the shared custody. In case the mother do not abide by these measures, they are executed also through the recourse to law enforcement and usually involve the relocation of underage children in a foster house.

The lobbies which are promoting this ideology enjoy strong political and media support, and managed to affirm a portrayal of women and mothers in course of separation or divorce as malicious, manipulating persons who enjoy

<sup>42</sup> <http://www.giudicedonna.it/2016/numero-tre/articoli/Lendaro.pdf>

<sup>43</sup> <http://www.giudicedonna.it/2016/numero-tre/articoli/Ambrosi.pdf>

<sup>44</sup> <http://www.giudicedonna.it/2016/numero-tre/articoli/Lendaro.pdf>, p.8.

<sup>45</sup> Para. 16.6.3,p.100.

all the ‘advantages’ that the State grants the victims of male violence, such as free legal aid, shelters etc. – while depicting separated or divorced fathers as a category which is unfairly reduced to poverty by women because of the separation – which is not true as, according to the statistics, single mothers constitute Europe’s poorest population group –is discriminated by the State as to their access to services, to the extent that Municipalities are asked to provide housing intended for separated fathers.

Moreover, such a rhetoric affects the jurisprudence concerning alimony, which is becoming more and more restrictive towards former wives.

Even the media continue to give legitimation to this theory, by using show business celebrities as testimonials<sup>46</sup>. This contributes to reinforce stereotypes against women and mothers in course of separation or divorce, causing their persistent re-victimization by both courts and social services, and forces children to meet their fathers, even when abusive.

### **Recommendations:**

- *To amend Law 54/2006, by including all cases of domestic violence as reasons for the exclusion of shared parental custody and to temporarily ban the right to visits since the moment of reporting or since the execution of the restraining order;*
- *To adopt all other measures pursuant to art.31 of the European Convention on Violence Against Women that may be necessary to ensure that the right to visits and the right to shared custody of a parent do not nullify the right to protection of women and their children;*
- *To re-examine the foundation of the decisions to relocate underage children in a foster home as a consequence of the diagnosis of ‘parental alienation’, also by establishing a commission of inquiry;*
- *To make compulsory, in the curriculum of forensic professionals which are qualified to provide expert’s reports admissible in court, the study of the patterns of male violence against women;*
- *To prohibit legally any family mediation in case of domestic violence.*

# ITALIAN NETWORK FOR WOMEN'S RIGHTS (INWR) - RECOMMENDATIONS

## CHAPTER 1 - ARTICLE 2: OBLIGATION OF THE STATE UNDER THE CONVENTION

- *To extend the scope of the Act 205/1993 to include gender- or sexual orientation based crimes*
- *To fully implement CEDAW 2005 C.O. no.16, 38, 41*
- *To make compulsory for the Commission of Constitutional Affairs in Parliament to check the conformity of all drafting Bills*
- *To fully implement CEDAW 2011 C.O. no.11-19*
- *To ascertain whether family policy and family law convey and consolidate stereotypes on gender, social origin, ethnicity and heteronormativity, and adopt all the necessary measures in order to prevent and eradicate this phenomenon*
- *To ensure that the Department of Family Policies comply with the CEDAW principles both in its goals and in its actions*
- *To fully implement CEDAW 2011 C.O. no.19, establishing clear mechanisms of consultation, on a regular basis, with NGOs, women's human rights defenders and civil society experts*
- *To establish a monitoring body for the promotion and protection of women's rights, as part of the new national independent agency for the promotion and protection of human rights*

## CHAPTER 2: EDUCATION AND ROLE STEREOTYPES

- *To fully implement CEDAW 2011 C.O. no. 23*
- *To ascertain whether the National Fertility Plan conveys and consolidates stereotypes on gender, social origin, ethnicity and heteronormativity, and adopt all the necessary measures in order to prevent and eradicate this phenomenon*
- *To ensure the provision of a sufficient and nationwide offer gender-sensitive integration and language courses for all migrant women and women asylum seekers, included those hosted in rural areas, hotspots and reception camps*
- *To ensure constant provision of gender-sensitive education for all, including women detainees*
- *To refrain from funding anti-gender projects in contrast with the CEDAW principles*
- *To ensure the adoption of school curricula which promote anti-discrimination culture*
- *To ensure non-discriminatory pedagogy of diversity to be compulsory included in teacher training and other pedagogical training courses*

## CHAPTER 3: STEREOTYPES IN THE MEDIA AND ADVERTISING

- *To introduce a legal definition of sexist advertising;*
- *To adopt a law addressing stereotypical and sexist attitudes in the media and advertising industry;*
- *To establish an independent ad hoc reporting mechanism, with effective and adequate administrative sanctions.*
- *To fully implement CEDAW 2011 C.O. no. 24-25;*
- *To adopt a strategy to continuously examine the private and public media for consolidated gender stereotypes and counteract them;*
- *To create a common code of conduct on sexist stereotyping for public and private media, providing for corrective actions in case of violation*
- *To introduce an express legal ban on gender discriminatory advertisement*
- *To provide for the compulsory introduction of gender clauses in public service concession and in RAI's service contract. These clauses should be defined in co-operation with women's NGOs and independent experts on women's rights*
- *To provide for an independent observatory with a joint membership between the DEO and women's NGOs*

## CHAPTER 4: SEXIST STEREOTYPES AND PARTICIPATION IN POLITICAL AND PUBLIC LIFE

- *To adopt special temporary policies and actions in order to ensure that political communication does not convey sexist contents, and that there is full compliance with Law 28/2000.*

## **CHAPTER 5: PATRIARCHAL STEREOTYPES AND VIOLENCE AGAINST WOMEN**

- *To fully implement CEDAW 2011 C.O. no. 27;*
- *To amend the Extraordinary NAP on VAW with the provision for adequate funding and actions for the full implementation of CEDAW 2011 C.O. no. 27;*
- *To provide in the MoU for the introduction of the IFJ 10-point handbook on the narrative of male violence against women in the Italian national Journalists Bar Association's professional ethics code;*
- *To ensure the dissemination of the IFJ 10-point handbook in information programs and among press/radio/television editorial teams at both national and local level;*
- *To establish a mechanism for permanent dialogue between the Department of Equal Opportunities and the permanent Observatory of the Journalists Bar Association's Working Group on Equal Opportunities;*
- *To establish immediate reporting and sanctioning mechanisms for discriminatory and sexist narrations;*
- *To ensure permanent training for media professionals on non-sexist language and the narration of femicide. Trainers should be gender experts and representatives of women's NGOs.*
- *To fully implement CEDAW 2011 C.O. no. 33.*
- *To amend Law 54/2006, by including all cases of domestic violence as reasons for the exclusion of shared parental custody and to temporarily ban the right to visits since the moment of reporting or since the execution of the restraining order;*
- *To adopt all other measures pursuant to art.31 of the European Convention on Violence Against Women that may be necessary to ensure that the right to visits and the right to shared custody of a parent do not nullify the right to protection of women and their children;*
- *To re-examine the foundation of the decisions to relocate underage children in a foster home as a consequence of the diagnosis of 'parental alienation', also by establishing a commission of inquiry;*
- *To make compulsory, in the curriculum of forensic professionals which are qualified to provide expert's reports admissible in court, the study of the patterns of male violence against women;*
- *To prohibit legally any family mediation in case of domestic violence.*