

Public Policies and Human Rights: The Effects of the UN Convention on the Elimination of All Forms of Discrimination against Women in Italy

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1. Historical Background: Women's Discrimination in Italy: Work, the Family, and the Political Landscape

1.1. The Constitutional Foundation of Non-discrimination Policies

A formal recognition of gender equality in Italy dates back to the unification period, in the mid 1800s. Since then legislative reforms have moved towards a gradual affirmation of a cultural and social emancipation process striving to eradicate discrimination and to promote equality between men and women.

If one were to trace the most significant historical phases of women's emancipation process, two important moments stand out: the fall of the Fascist regime, in 1943, and the advent of the Republic, in 1946. To grasp the condition of women in Italy, an important moment takes place just after the end of World War II. It was a crucial phase in the development of a protection system and in policy-making aimed at promoting women's rights in the decades that followed.

Italian women first exercised the right to vote, and to be elected in a representative arena, thus to participate in the national political community, in 1946, in the election of the Constituent Assembly. At the time, gaining political rights underscored an implicit recognition of women's vital role, not only in the Liberation and Resistance corps, but also in industrial production – where they replaced male workers who were engaged in Fascist military campaigns.

To trace the institutional and legal context of gender equality in the Italian Republic, and to understand its salient features, attention must go to the Fascist political scheme. In its pursuit of a national ideal of power, the family and the effort to

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ensure a rise in birth rates became central. Women consequently were the recipients of a complex system of measures aimed, at the symbolic and material level, at strengthening women's domestic role. At the same time, their participation in activities of production had to be ensured through jobs and the type of work regulated by laws that kept women subjected to the control of men, excluding them from the public sphere.

The Fascist period was characterised by regulatory policies in which women's work and child labour shared a common approach in terms of legal framework, defined by a protection system that assumed the paradigm of «minor» labour forces. On the one hand, while modifying its goals, it consolidated the traditional protective approach of the past century; and on the other, it extended the sphere of application of the law to all workplaces, with a few significant exceptions like family activities and paid work from the home. The solutions adopted by the Fascist regime led mostly to the marginalisation and underpayment of women's work as it defined special mandatory protection policies whose effects were not diminished by a partial reabsorption of labour – a response to the needs of war production.

With Fascism, the original significance of the principles underlying protective public policies was altered and exploited: the principle was manipulated for an all-encompassing design aimed at dismantling civil society and, in particular, at discouraging women from taking jobs outside the home, expelling them from those they held. During the Fascist period, legislation dealing with women increased and developed considerably. It is widely and firm belief that, since industrialised society began, no political movement has shown such an aversion to women's emancipation as Fascism, and there is no doubt that, in that historical period, the ideology and structures design to bring about a complete re-definition of women's social and political subordination.

The Constituent Assembly, elected on 2 June 1946, approved the Constitution. It was enforced on 1 January 1948. From then on women gradually acquired autonomy, asserting full citizenship which, over the years, required a series of significant amendments to the existing legislation, reformulating policies according to new patterns of argumentation, that changed over the years.

The emancipation process of women has followed the principles enshrined in the Italian Constitution which contains notable consideration to women's issues. In fact, the Constitution embodies seven specific rules that explicitly refer to women's rights: Article 3, para. 1, affirms the principle of equality¹; Article 29, para. 2, affirms the principle of equality in family relations²; Article 31, para. 1, is on the Republic's role in protecting maternity³; Article 37, para. 1, on working women⁴; Article 48, para. 1, on political rights⁵; Article 51, para. 1, on the access to public offices and positions⁶; Article 117, para. 7, on regional legislation to promote equal opportunities for men and women⁷; Article 30, para. 1, establishes that both parents have the duty and right to support, instruct, and educate their children, including those born out of wedlock⁸.

Although the debate surrounding the drafting of the Constitution lacked a truly critical approach to the effects of existing protective legislation and its historical links with discrimination against women, there can be no doubt the change in perspective in those writing the Constitution when it came to dealing with female labour; at the centre of the Constitution is the principle of the equal rights not that of discriminatory protection. The tension between the goal of equality with male labour and the need to take account of the female condition's particular features had a bearing on the drafting of Article 37, the terms of which reflected both the universal principles asserted earlier in Article 3 and the compromise on the relationship between women, the family and work reached by the conservative catholic forces and the non-confessional and left-wing parties.

Italy's constitutional principles determine the legal framework and the axiology within which legislators must develop ordinary legislation. With the enforcement of the Constitution, any previous rules, though they may be in conflict with the principles of the Constitution, remain effective until an amendment is passed by Parliament, or the Constitutional Court is called on to decide, upon the appeal of a judge, whether there are grounds for unconstitutionality or illegitimacy of a particular law, and decide to cancel the latter from the system.

When considering the history of women's rights in Italy, it is

¹ Article 3 (para. 1): «All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions».

² Article 29 (para. 2): «The Republic recognises the rights of the family as a natural society founded on marriage.

Marriage is based on the moral and legal equality of the spouses within the limits laid down by law to guarantee the unity of the family».

³ Article 31 (para. 1): «The Republic assists the formation of the family and the fulfilment of its duties, with particular consideration for large families, through economic measures and other benefits».

⁴ Article 37 (para. 1): «Working women are entitled to equal rights and, for comparable jobs, equal pay as men. Working conditions must allow women to fulfil their essential role in the family and ensure appropriate protection for the mother and child».

⁵ Article 48 (para. 1): «Any citizen, male or female, who has attained majority, is entitled to vote».

⁶ Article 51 (para. 1): «Any citizen of either sex is eligible for public offices and elected positions on equal terms, according to the conditions established by law. To this end, the Republic shall adopt specific measures to promote equal opportunities between women and men».

⁷ Article 117 (para. 7): «Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elected offices for men and women».

⁸ Article 30 (para. 1): «It is the duty and right of parents to support, raise and educate their children, even if born out of wedlock».

important not to omit the case-law of the Constitutional Court. Its role was fundamental in assessing several laws, many of which were introduced in the years of Fascism, and that may have been incompatible with the principle of sexual non-discrimination. In fact, such laws have been a real obstacle when striving to affirm complete equality between men and women. To cope with the Court's decisions, Italian legislators needed to adopt new measures on issues of fundamental importance. Some important Court judgments involve: the exclusion of women from a career in a public office (1960), the banning of propaganda on methods of birth control (1971), the recognition that a pregnancy could be interrupted in case of damage or serious risk to the mother (1975), Italian citizenship for a child born to an Italian mother, and even a series of major interventions on legal equality between spouses which canceled some provisions of the Penal Code differentiating offences and penalties in case of marital unfaithfulness, whereby an unfaithful wife was punished more severely than the husband.

1.2. The 50s and 60s and Issues on Women's Work

⁹ Article 37: «Working women are entitled to equal rights and, for comparable jobs, equal pay as men. Working conditions must allow women to fulfil their essential role in the family and ensure appropriate protection for the mother and child. The law establishes the minimum age for paid labour.

The Republic protects the work of minors by means of special provisions and guarantees them the right to equal pay for equal work».

¹⁰ Article 3: «All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country».

The tension between achieving the same rights and equal pay for working women as their male counterpart, and the need to gain recognition for the specificity of women's condition led to the drafting of Article 37⁹ of the Constitution. Its content reflected both the previously established universal principles contained in Article 3¹⁰ and a compromise between the conservative and Catholic forces on one side, and the secular and left winged parties on the other, on issues that ranged from women, the family, and work. The specific law on the «essential» role of women in the family, and especially, the need to assure adequate protection for the mother and child as stated in Article 37, were profoundly affected not only by the differences embodied in the Constituent Assembly, but also by an ambivalence within the political culture of the left wing parties on issues like family and the social role of working women.

In the years that followed the war, public intervention and even the implementation of policies on women's work highlighted the ambiguities embodied in the constitutional disposition.

In the period that spanned from just after the war until the 60s, both the collective negotiations, as well as the effective regulatory policies shifted, on the one hand towards the affirmation of the constitutional principle of equality, and on the other, towards an improvement in protective laws.

Despite the introduction of some new measures to extend the scope of protection coverage to individuals and to improve the content of laws, especially for workers who had always been excluded and not safeguarded (work from the home, domestic work and agricultural labour), the conditions and perspectives which inspired such policies remained substantially the same. A discordant element that clashed with this trend was the law which prohibited the clauses of «Unmarried status» and of «dismissal because of marriage», which were not only a form of repression of some of the most discriminatory and diffuse practices, but also directly influenced the structural conditions of fragility of women in the labour market.

The reformation of the law on working mothers (1950) and subsequent amendments (1971) helped to extend the sphere of labour rights, to limit the power of employers, and to significantly enhance the legal protection of subordinate labour, with fair remuneration being voiced by trade unions as their main goal throughout the 50s¹¹. The 1960 collective agreement on fair pay in industrial work was followed in 1963 by new measures that extended similar rules to other economic sectors, introducing a contract framework system that was no longer based on a formulation that classified men and women distinctly but rather one that set wage parameters according to criteria of professional qualification.

Once the agreement on fair pay had been implemented, Italy, differently from other countries, did not follow through with public policies aimed at fighting direct and indirect discrimination, nor did it promote work for women with specially designed schemes to remove any factor of stiffness.

Although the 1960 collective agreement eliminated the macroscopic aspects of the economic discrimination, this commitment on wage equality did nothing to remove, or even question, the structural conditions linked to the ways in which the women enter the labour market: it is that which explains the systematic employment of women in jobs below their real qualifications, this apart from legal sanctions and the so-called

¹¹ M.V. Ballestrero, *Dalla tutela alla parità. La legislazione italiana sul lavoro delle donne*, Bologna, Il Mulino, 1979; T. Treu, *Lavoro femminile e uguaglianza*, Bari, De Donato, 1977; B. Beccalli, *Le politiche del lavoro femminile in Italia: donne, sindacati e stato tra il 1974 e il 1984*, in «Stato e Mercato», no. 15, 1985.

single ranking system which has aimed explicitly at combating differences between the various types of work.

The reappearance of situation where the female workforce was segregated showed that the adoption of across-the-board measures did not result in an immediate improvement of the weakest groups working conditions, but paradoxically, could make them worse, increasing imbalances and employment types without much or any job security. In the 50s, the discrepancy between demand and supply in the labour market was such that legislation was completely evaded and hiring policy was left completely at the discretion of the employers: in the 60s, the role played by family and community rule systems in directing female workers towards, and placing them in informal economy, became even more evident.

1.3. The 70s, the Role of Feminism and the Institutional Response to Women's Political Demand

The 70s, in Italy, represented another pivotal moment in history both in terms of the affirmation of women's rights and as the birth and rooting of a new feminist experience. Women not only gained greater emancipation but, more in general, awareness of their social value at work expanded. There was even recognition of the importance of unpaid domestic work in what the marxist feminism called the production and reproduction process of the labour force.

Compared to other previously mentioned complex issues, in the early 70s in Italy, the rise of a new wave of feminism marked a difference in the way women were perceived. The family as an institution and especially women's work within it, became pivotal. In particular, an effort was made to collocate the production and reproduction process of the labour force within the capitalist production system and in the social division of labour. In addition the focus of women's role which conferred greater consideration onto them, recognising them as prime actors in the capitalist system of production, led to a radically different theoretical framework brand new feminist movement¹².

Women thus began to criticise general policies. They then developed and spread theoretical views which, by means of collective action, along with the phenomenon of a status of

¹² To build a new international dimension of this feminist movement see: M. Dalla Costa, *Domestic Labour and the Feminist Movement in Italy since the 1970s*, in «International Sociology», vol. 3, 1988, pp. 23-34.

women working outside the home, reconsidered women's citizenship in its many implications and from new perspectives. The process of lifting gender discrimination led to questioning the general political strategies of left wing parties and organisations, especially classical theoretical assumptions on the alleged emancipation of women in paid work. In particular, the historically discriminatory nature of work for the labour market was interpreted as a consequence of the economic subordination of women, as workers whose job was unpaid and primarily devoted to the family. By defining the women's conditions, above all, as a housewife, and housework as a concrete manifestation of the production and reproduction of labour force, it identified the specific form of the exploitation of women and demonstrated how an enormous proportion of the value produced consists precisely in the labour that women provide outside the official labour market every day within their own homes. By identifying the housewives's role as determining factor in the overall female condition, a basis was formed for a fresh interpretation of issues such as the marginalisation of women at work outside the home: to be more precise, the traditionally discriminatory nature of work outside the home was interpreted as a consequence of women's economic inferiority, which in its turns stems from her role as a worker within the family structure whose main job, social reproduction, does not receive a direct wage.

Since the mid 70s, a cultural and political debate has pervaded our country, deeply affecting the emergence of women's issues. The theme could no longer continue to be ignored at all levels: from institutions, parties and unions, to leftist and extra-parliamentary groups. In fact, from then on the status of women has become an ever present theme on all political agendas.

In brief, women's political demand in the late 70s and early 80s had little to do with seeking a paid job or gaining access to public offices or to the political arena, but it posed doubts on the division between the public and private sphere, pointing to the family and to women's work as the root of women's social weakness. In examining all issues on discrimination against women, family and sexuality became the ground for much political analysis. The perspective shifted to include women's ability to regain a sense of control of their bodies, re-

considering sexuality and motherhood as a destiny imposed onto women. Examples of their subjection at the time include the issues of abortion and divorce.

In 1978, Law no. 194 on the interruption of pregnancy was approved (it withstood an abrogative referendum in 1981, and an attempt to renegotiate in 2005). That same decade, a set of rules were approved. They significantly extended the space of individual autonomy, conferring full effectiveness to a range of human rights that, at the time, had already been approved, or were about to gain international recognition, especially for civil application. They include Law no. 898 of 1 December 1970 on divorce, confirmed by referendum in 1974 and subsequently amended in 1987 with Law no. 74/1987; Law no. 151/1975¹³, the family reform act, recognising legal equality between spouses, repealing the dowry institution, conferring the same protection to illegitimate as legitimate children, creating the communal estate as family legal property regime (there being no other agreement), and parental authority was changed conferring such power onto both parents¹⁴. Moreover, the so-called crimes of honour and the criminal law on women who commit adultery were repealed.

To fully grasp the fight that women of that period undertook, a salient fact needs to be taken into account, namely the fracture that existed within the movement and institutions, and the general estrangement of feminism over a wide range of issues on women's conditions, especially in relation to employment policies. From such a perspective the events of 1977 linked to the approval of Law no. 903 on respecting equality of treatment in employment between men and women proved exemplary. At the time the movement had totally ignored it. The same was true for Law no. 125 of 1991, on positive actions, followed by Law no. 215 of 1992, on women entrepreneurs. Inspired to neofeminist criticism on emancipation, the feminist movement questioned the idea of equality between men and women achieved from a standardisation of different subjects and genders, to focus instead on gender issues that stemmed not merely from the biological diversity but are influenced by individual and social condition.

Feminism was politically ineffective, compared to the wording in Law no. 903, due to its estrangement from the choices made

¹³ Law of 19 May 1975, no. 151, *Riforma del diritto di famiglia*.

¹⁴ Family law has experienced several reforms over the years: Law no. 431/1967 modified the Civil Code on adoption and foster care, both measures subsequently reformed with Law no. 184/1983 and Law no. 149/2001. With Law no. 121/1985 (implementation of the Concordat with the Holy See) the concordatary marriage discipline was amended; Law no. 40/2004 was adopted to regulate medically assisted procreation; finally, Law no. 54/2006, on the so-called shared guardianship of children, has deeply innovated the Civil Code provisions on family relations.

by the institutional system at the time. The presence of feminists, even in the work domain, was often characterised as a segment of the protest movements of those years whose primary goal was to legitimise the specificity of women's condition and to totally liberate women rather than formulating questions or expressing specific interests on the status of women in work outside the home. In fact, Law no. 903 of 1977 which prohibits discrimination at work served to remove some of the superstructural legal restraint factors that reinforce and endorse, at the regulatory level, the rigidity of women's work. It therefore proved to be a significant step towards the goal of gender equality.

Another fundamental aspect of Law no. 903 involves the cancelling of some traditionally protective measures on women working for the labour market (with the exception of the prohibition of nightwork, and the law on the working mother) which in the implementation period proved inadequate to tackle real cases requiring specific protection.

Legislation on equality between men and women in the work sector, for several years, had not achieved any notable effects. Moreover no new policies promoting an improvement of formal equality, or aimed at helping working women achieve equality affirming equal opportunities, ensued. They, along with the instrument of positive actions, and the figure of «adviser on equality», constitute the completion, in legal and political terms, of a transition from an idea of equality anchored to a formal recognition, to a substantial idea of equality.

1.4. Towards the 80s: The Role of European Legislation on Equality and Equal Opportunities between Men and Women, and the Issue of Women's Political Participation

The late 70s and early 80s witnessed a gap among civil society, social movements and the political-institutional community. Though significant, this gap gradually began to change as themes on women organisations were being integrated into the political party and trade union agenda achieving in the end a partial response in terms of policy output. Official policies and the organisation of civil society that created the feminist experience kept diverging significantly on issues on equality,

despite the growing interest of both the scientific community, the political parties and governments. Furthermore, the European Economic Community played an important role at the time in placing great emphasis on equality and equal opportunity policies between men and women within member states.

In this regard, it must be emphasised that, at the time, that European Community action could be achieved only within the boundaries that had been set by the Treaty of Rome (1957). For the International Women's Year (1975), the Council of European Communities repeatedly intervened, initially with a Directive (no. 75/117/EEC of 10 February 1975), prescribing equal pay between both men and women, then recalling member states to ensure the application of Article 119 of the EEC Treaty. Subsequently a second Directive was issued (no. 76/207/EEC of 9 February 1976, amended in 2000) that served to implement the principle of equal treatment between men and women as regards to access to employment, in vocational training, promotion and working conditions. In 1978, the adoption of a third Directive that implemented the principle of equality in the sphere of social security (no. 79/7/EEC of 19 December 1978) followed.

Moreover those years witnessed a distance between the social and the labour reality with women's participation coming in new proportions and ways compared to the past.

From a qualitative viewpoint, it has become clear that since formal equality was introduced, cases of clear-cut discrimination against women workers have grown fewer, but situations have continued to exist in which women are systematically placed in jobs for which they are overqualified; this is true both for access to traditionally male professions and qualified jobs and for promotion to managerial post. Since the end of the 70s, the development of public policies at the European level for the promotion of female employment is a result of the awareness that the formal guarantees offered by measures of the equal opportunities type are not enough.

The content of equal opportunity projects was inspired to some extent by a wider ranging desire for an overall revision of the sexual division of labour. Yet, setting aside idyllic utopias and going beyond the old belief that work outside the home equals emancipation, concrete experience of the women's

double presence begun to show a profound contradiction between production and reproduction. Since the experience of feminist movement, the feeling was that any reflection, proposal or debate on women's labour must inevitably take account of housework.

Yet women's absence from the decision-making world led to a deeper consideration of democratic institutions and to the role of women's participation, especially in trade unions and left winged parties that placed greater focus on themes like the protection and promotion of women's rights. Such reflection yielded future debates on the so-called «quotas», a measure aimed at assuring greater gender balance within parties and among candidates to local and national elections¹⁵. Italy attempted to rebalance women's presence in elected assemblies by passing an ordinary law. However, a strict interpretation of the principle of equality taken by the Constitutional Court in 1995¹⁶ raised questions as to the legality of various measures, after the 1993 referendum, to balance women's representation in the electoral system. This point was a moment of transition to a majority system, in which women's presence among candidates became even more problematic. Ultimately, from such debate and from the judgment of the Italian Constitutional Court arose Constitutional Law no. 1 of 2003. Article 51 of the Constitution¹⁷ affirms the principle of equal opportunities in areas that include access to work in public and elected offices. In addition, Constitutional Law no. 3 of 2001 had established a duty for regional legislation to grant equal access to men and women in elected offices¹⁸. The general law on equal access to elected offices and on the best suited measures to achieve it was therefore approved two years after the approval of the specific law aimed at the Regions: this can be explained by examining the political difficulties encountered in the revision of Article 51 of the Constitution, and by the fact that in the meantime, a large and complex reform of regional autonomy was taking place. This generated a series of juridical controversies since regional legislation on elections was supposed to be limited by the fundamental principles set out by state laws in accordance with the Constitution. Obviously, the imbalance between men and women in institutions cannot be viewed as an absolute evaluation parameter of women's freedom. But in Italy's case, it

¹⁵ The first female Minister in Italy was Tina Anselmi (Minister of Labour and Social Welfare). She was appointed in 1976. Since the 80s, and more intensely in the following decade, a debate arose on mandatory quotas to assure female candidates in political and administrative elections.

¹⁶ Corte costituzionale, Judgment no. 422 of 12 September 1995.

¹⁷ Constitutional Law of 30 May 2003, no. 1, *Modifica dell'articolo 51 della Costituzione*, published in «Gazzetta ufficiale» no. 134 of 12 June 2003: «Any citizen of either sex is eligible for public offices and elected positions on equal terms, according to the conditions established by law. To this end, the Republic shall adopt specific measures to promote equal opportunities between women and men».

¹⁸ Constitutional Law of 18 October 2001, no. 3, *Modifiche al titolo V della parte seconda della Costituzione*, Article 117: «Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elected offices for men and women».

no doubt reflects a dimension of distance between politics and civil society, the relative impermeability of representative bodies to society, and the lack of a culture of participation which really includes all social groups. The issue of women's participation at all decision-making levels is a relevant one for the Committee on the Elimination of All Forms of Discrimination against Women, critically underlined in all the observations to the reports Italy has presented to date to comply with the ratification of the UN Convention.

2. Italy and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The cultural and political debate experienced in the late 70s in our country was characterised by the emergence of new women's issues. At the institutional, party and unions level significant moments of reflection came about as to the consequences of a potential political demand managed by women were significantly different at a quantitative level, cross-cutting party affiliations.

From the political viewpoint a distinct trait that characterised this particular historic moment in Italy, in terms of women's rights issues, was undoubtedly the tension generated, on the one hand, by the existing fracture between the experience, of the political organisation and considerations on the feminist movement, and on the need to advance, in institutional debates, women's requests on social and legal questions. If such information is not taken as a specific expression of women's political experience, then understanding Italy's lack of interest in admitting not only the laws on equal rights, but, a few years later, also the law to ratify and execute the Convention on the Elimination of All Forms of Discrimination against Women, is not easy.

Italy signed the CEDAW Convention on 17 July 1980 while ratification took place on 10 June 1985¹⁹. The early 80s experienced a progressive decline in the political visibility of protest movements and an attempt, on the part of the government, to tackle at political and institutional levels a series of issues which had appeared a decade earlier, and especially to manage a demand of working women which

¹⁹ Law no. 132 of 14 March 1985, *Ratifica ed esecuzione della Convenzione sull'eliminazione di ogni forma di discriminazione nei confronti della donna, adottata a New York il 18 dicembre 1979.*

featured entirely new characteristics and proportions.

A factor that may have determined the lack of attention towards the Italian ratification of the Treaty may have also stemmed from a lack of true cultural sensitivity on issues of international breadth, not only amid the population, but even among the media and the political class itself, with a few significant exceptions. In Italy this fact weighed more than in other country not only because of the particular historical moment in which accession to the Convention took place, but also because until two decades earlier little resonance was dedicated to the international political sphere.

The same feminist experience, though inspired to themes that do not refer to mere national borders and are operatively connected to a supranational reality, produced a discussion on mostly domestic issues or in any case characterised by tones and themes that did not seem to have immediate repercussions in political arenas of intergovernmental organisations. Moreover the question of women's rights was not presented using the language and the paradigm of human rights law. This in fact precluded that an advancement of women's condition be viewed as a process investing different areas of individual and social life. Yet the International Conference on Women in Mexico City, in 1975, had stated that the problems connected to the three goals – equality, development, and peace – upon which the United Nations built its policy on women, implied adopting a holistic approach whereby any single critical areas were to be seen as indivisible and interdependent, and so were the policies to tackle them. This remark is meaningful if viewed from a temporal perspective since the law that ratified the Convention in Italy practically coincided with the 3rd World Conference on Women in Nairobi. The latter had no doubt greater resonance than the previous two conferences and also featured an analysis and theorisation of themes Italian feminism was keen of.

In Italy, the President of the Republic ratifies international conventions, and if required, obtains prior authorisation from the Chambers. Parliament authorisation is essential in case of political agreements or treaties involving judicial settlements, or the amendment of a law. Adaptation of Italian law to international law can occur in two ways: automatically in case of customary rules, and with an *ad hoc* act in case of treaty law.

The act giving effect to the treaties is the execution order, a special formula that expresses the will to execute and apply the treaty within the state and that transforms international rules into domestic rules.

In relation to women's rights, Italy, at the time of the ratification of the CEDAW, and in the years prior to the first publication of the periodic report, already had adopted a number of treaties on the protection of women's rights as well as a significant number of ILO conventions dealing with working women, maternity protection, fighting discrimination and social policies.

The Italian Constitution has no mention of the CEDAW, nor is there any mention of other human rights treaty or of the Universal Declaration of Human Rights. And Italian legislation makes no explicit reference to the Convention. Recently however, some preliminary work was undertaken to encourage measures for the promotion of women's rights in the institutional debates. Such work contains specific reference to human rights principles and treaties which have become increasingly explicit and systematic also owing to the constant reference, in case law, and to a gradual penetration of transnational politics in areas that, until recently, pertained solely to national responsibility.

With the principle of non discrimination and its interpretative evolution, in tandem with the development of European Community law, it is important to notice that political and judiciary dimensions have played a pivotal role in favouring a series of legislative reforms (including constitutional reform) oriented at promoting the CEDAW principles and the General Recommendations its Committee has proposed. The Convention, better known now than in the first years of its adoption, has become a mandatory reference point when discussing the women's rights. But it is not yet a subject in special training programmes of judicial staff, even if some sectoral courses on *ad hoc* subjects (like violence against women and trafficking for sexual exploitation) call on it. This situation may stem from the Italian legal framework on women. In fact, as demonstrated by an Italian government study, the entry into force of this Treaty had domestic and Community laws align themselves to basic CEDAW standards. In fact, progressive adjustments in the legislative field and at

political level over the years assured greater protection of women's rights. One would say it was a sort of physiological adaptation and a progress that, as highlighted earlier, had begun even earlier but only in the 90s did it serve for political negotiations.

3. CEDAW's Political Relevance and Impact in Civil Society

CEDAW's political affirmation in Italy found the work of institutions for equal opportunities to be a privileged observatory. The system, it must be specified, and in particular, the organigram of the system of equal opportunities, is extremely complex and articulate and, it is not always effective in promoting women's rights. Italy has a Ministry for Gender Equality, a national committee for equality at the Ministry of Labour and Social Affairs, a national commission for equal opportunities between men and women at the Presidency of the Council of Ministers, a network of advisers on gender issues at the national, regional and provincial level, committees for equal opportunities working in the government's public offices, and regional, provincial and municipal committees for equal opportunities. The structuring of the system began in 1983, thus prior to the CEDAW ratification, by instituting, in the Ministry of Labour, the National Committee for Equal Opportunities. The Committee's structure was finally defined by Law no. 125 of 1991 on positive action to increase gender equality at work, introducing a regional and provincial Councilor on Equality as a figure that could settle situations of conflict and discrimination related to work and conditions of gender.

The Committee, made up of 40 members, has the prime role to promote positive action, develop codes of conduct, monitor the enforcement of laws on equality, promote women's representation, and propose solutions to labour disputes. The national, regional and provincial Women Parity Councillors are institutional figures whose function is to promote, monitor, and implement laws on equal opportunities, in the respective areas of competence, and to carry out their duties as public officials (Article 1 of Decree no. 196/2000). Differently the

Office of the National Councillor deals with cases of national Councillors instituted by Decree no. 196/2000.

One of the initial results of non-discrimination policies foreseen by CEDAW can be traced to national collective contracts, stipulated in 1987, on public administration. For the first time, measures aimed at creating true conditions of equality between male and female workers were foreseen. In addition committees on equal opportunities were established, and subsequently affirmed by Law no. 125 of 1991 and were regulated by Circular no. 12 of 1995 by the President of the Council, who in conferring onto them the especially important task recommends its provision in all institutions.

The National Commission for Equality and Equal Opportunities between Men and Women was established in 1984 as a response to the recommendations contained in the Action Plan that followed the 2nd International Conference on Women in Copenhagen. In 1990, Law no. 164 modified certain roles, responsibilities, the composition, duration, financial limits of the Commission whose laws were revised once again in 1996 with Decree no. 542.

Then, with Decree no. 226 of 2003²⁰, the Commission for Equality and Equal Opportunities between Men and Women was renamed calling itself the Commission for Equal Opportunities between Men and Women, set up in the Ministry for Equal Opportunities. Currently the Commission is composed of a female Minister for Equal Opportunities, a female Vice-President, a Secretary, 11 women representing various associations and movements, 4 women in trade unions, 4 of which are entrepreneurs, 3 affirmed women from scientific, literary and social fields, and 2 regional representatives. Their duties vary and may include proposing functional legal and regulatory changes to the Minister, helping to fight discrimination, monitoring the status of implementation of policies on equal opportunity in different sectors of political, economic and social activities and of carrying out studies and research on the theme.

The Ministry for Equal Opportunities was established in 1996; a year later the Department for Equal Opportunities followed. It operates from the Presidency of the Council as organisational support structure exercising the functions of Minister (according to the Prime Ministerial Decree no. 405 of 28

²⁰ Legislative Decree of 31 July 2003, no. 226, *Trasformazione della Commissione nazionale per la parità in Commissione per le pari opportunità tra uomo e donna, a norma dell'articolo 13 della legge 6 luglio 2002, n. 137.*

October 1997). With time the structure changed owing to the Government Decree of 30 November 2000 followed by the Government Decree of 30 September 2004, currently reference norm for policies promoted by this body. Functions also include adjusting the internal legislation to EU law principles and provisions, implementing EU programmes, managing relations with organisations that work for equality and equal opportunities in Italy and abroad, in particular within the European Union, the United Nations and the OSCE.

The Department, in dealing with such activities, is responsible for missions of representation of the Italian government in international relations. This often implies designating official representatives at the presentation of periodic reports at UN affiliated Committees, including the CEDAW.

In 2006, with Decree no. 198/2006, all Italian legislation on equal opportunities was reviewed and collected within a single code embodying 58 articles setting out the general provisions on the promotion of equal opportunities between men and women, in ethical-political relations, in economic and in civil and political relations²¹.

In Italy, consistent adherence to the system of equal opportunities as envisaged by the Convention, and in general by the political commitment adopted by national governments at international conferences, was especially endorsed by the Directive of the Presidency of the Council of Ministers of 27 March 2007 (the Prodi-Finocchiaro Directive)²². With it, a new season has started, at least at a formal level, characterised by the adoption of a series of measures that are consistent with coherent provisions of supranational political arenas, in particular from international and regional organisations that operate in different ways within the domain of women's rights. With this specific act the government intended to integrate a range of issues into national policies which had been negotiated at the Conference on Women, in Beijing, in 1995. The most significant ones include the policies created to support greater women's participation in important decision-making bodies (empowerment of women), to integrate the gender perspective into government policies (gender mainstreaming), to educate on gender culture, and to improve the organisation of work so that it includes greater awareness of gender-difference, as women are both on the labour market

²¹ Legislative Decree of 11 April 2006, no. 198, *Codice delle pari opportunità tra uomo e donna, a norma dell'articolo 6 della legge 28 novembre 2005, n. 246*.

²² Directive P.C.M. of 27 March 1997, *Azioni volte a promuovere l'attribuzione di poteri e responsabilità alle donne, a riconoscere e garantire libertà di scelte e qualità sociale a donne e uomini*.

and in the family. Additionally, the Prodi-Finocchiaro Directive is also the Italian government's first document to take the problem of violence against women into consideration, making government actions a priority. The Beijing Platform achieved great consideration, but there was also a need for the Italian government to respond to dozens of anti-violence centers and homes for women, established in the 80s and 90s, which were scattered throughout the territory, by initiative of women's groups and associations, often working in synergy with local bodies, especially with the Municipality.

A notable achievement of the Prodi-Finocchiaro Directive involves the approval of Law no. 53/2000 on provisions for the support of motherhood and fatherhood, for the right to care and training and for the coordination of the pace of city life²³. Its goal is to promote a balance between the time at work, of care, of training and in relations, by introducing a) parental leave and greater support for parents of children with disabilities, b) leaves for education, c) the coordination of city life pace with time dedicated to promote social solidarity.

Moreover, ten years after the Prodi-Finocchiaro Directive, there was the adoption of another Directive on the implementation of equal opportunities in public administration (Directive Pollastrini) of 23 May 2007²⁴: an important step in favour of a culture promoting equal opportunities in public administration with policies to empower women and for gender mainstreaming. This document in fact, focused on the mechanics of women's careers, pointing to the significant percentage of women that graduated from university employed in the public sector (over 60%). In general, the main goals of the Directives are to spread a thorough implementation of existing provisions on equal opportunities, boost women's presence in top notch positions, develop quality work practice and organisation culture that serve to enhance the output of all workers and public office employees.

Both the above-mentioned documents attracted little attention from the media and also from women presently committed to associations promoting human rights or initiatives for the support and protection of women. Once again, there seems to be a certain distance between the institutional needs and issues, and the needs of civil society and movements.

A very different course emerged when tracing problems of

²³ Law of 8 March 2000, no. 53, *Disposizioni per il sostegno della maternità e della paternità, per il diritto alla cura e alla formazione e per il coordinamento dei tempi delle città*.

²⁴ Presidenza del Consiglio dei Ministri - Dipartimento della Funzione Pubblica, Ministerial Directive of 23 May 2007, *Misure per attuare parità e pari opportunità tra uomini e donne nelle amministrazioni pubbliche*.

violence against women, the emergency of the spread of human trafficking for sexual exploitation, the debates over prostitution policy, discussion of its approval, in 2006, and the draft law on female genital mutilation.

The current law on sexual violence and the debate on this issue illustrate the difficulty Italy has had in aligning itself to the indications of the international political arena in amending its policy guidelines and operational standards at the axiological and practical level to preserve forms of control over women's sexuality. Still today, it is markedly supported by institutions of the Catholic Church and its role in Italy in women's emancipation processes cannot be regarded as marginal. In Italy, as mentioned above, with the approval of the new Family Act, in 1975, marital authority was abolished namely the legality, on the spouse's part, to use «means of correction» and discipline with the wife. There were murders in the name of honour and weddings that served for reparation until 1981, when the Italian penal code was amended. The first provision reduced the penalty in case the husband murdered the wife because of adultery; the second, in case of rape, cancelled the offence if the man married his victim. In 1996, with the approval of the new law on sexual violence²⁵ came a fundamental change of the dominant juridical culture in the way sexual violence was viewed. It sets out the offences related to sexual violence in the same chapter as those against the person and the individual freedoms, instead of being associated with those against public morals and decency.

The law in force in Italy on sexual violence is the product of a long series of struggles and actions that spanned the last 20 years. In the end, all the political forces in Parliament, regardless of their differences, led female members of Parliament and senators to pass an unquestionably revolutionary bill compared to past operative legislation. The Prodi-Finocchiaro Directive of 1997, based on previously established international instruments, stressed the importance of monitoring violence by means of national surveys. The goal was to enhance the activities that could serve to fight and to raise public awareness. Thus in 1998, the National Institute of Statistics (ISTAT), with a mandate of the Department of Equal Opportunities, undertook the first national statistical study on violence and sexual harassment. It substantially confirmed the

²⁵ Law no. 66 of 1996, *Norme contro la violenza sessuale*.

quantitative response and the types of phenomena found in anti-violence centers and in investigations conducted by individual researchers in previous years.

Furthermore, in 2001, the Parliament passed Law no. 154 on measures against violence in family relationships²⁶ that prescribes the expulsion of the accused from the family home or, in case the life of the injured person or close relatives require protection, the defendant is prohibited from entering the premises where the victim normally goes, particularly the workplace, the family home or the home of close relatives, unless the presence is required for business purpose.

With regard to prostitution and human trafficking for sexual exploitation, here too there is a perfect alignment with the terms of the obligations signed at the international level and the ratified international treaties, and a commitment to protect the victims and then to reintegrate them socially: this is embodied in a provision of the immigration act which, in certain circumstances, enables victims of trafficking in human beings to access specific programmes that assist them and, only in a secondary and non-binding way, have them collaborate with judicial authorities. In Italy such action was made possible thanks to its institutional commitment. But there were also several associations working to promote human rights which, over the years, have worked remarkably well in tackling the problems of prostitution, with particular attention to situations of severe exploitation and trafficking, helping thousands of young people. Italy took part in the International Convention against Trafficking for Prostitution and in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. The country's current orientation in terms of prostitution policies tends to be semi-abolitionist. Yet for years, the emergency of the severe trafficking phenomenon in our country, and the notable number of people working in the sex trade have helped to trigger a heated political debate over prostitution leading to a general tendency that favours resorting back to regulating prostitution.

The influence of international organisations on issues connected to severe forms of sexual exploitation, as well as on prostitution, is by now evident, as illustrated by the content of

²⁶ Law no. 154 of 5 April 2001, *Misure contro la violenza nelle relazioni familiari*.

important international and regional treaties of reference, and by the focus that the fight against severe human rights violations and the trafficking at the supranational level has received at different levels of governance.

Another topic in many national documents that was influenced by the international law on women's rights is Law no. 7 of 9 January 2006 to combat female genital mutilation²⁷. It sets out *Provisions to Prevent and Prohibit the Practice of Female Genital Mutilation*, in order to implement measures that prevent, deter and suppress the practice of female genital mutilation. Such measures can be implemented, as ruled by legislation, by raising awareness in groups at risk, training health workers, training school staff to help preventing such acts, monitor cases and spread a culture to fight and punish such practices in Italy and abroad. Italian jurisdiction is claimed both in case the act is committed by an Italian citizen or a foreigner living in Italy on Italian territory and abroad – adopting an internationally coordinated programme. Article 1 of this law recalls the constitutional grounds of protection of women and girls, thus the principles according to which the Republic stands as a guarantee of «fundamental human rights», of «equal social dignity» and proclaims «health as a fundamental human right and interest of the community» (see respectively Articles 2, 3 and 32 of the Italian Constitution²⁸). Article 1 also refers to the Declaration and Action Plan adopted in Beijing, on 15 September 1995, at the Fourth UN World Conference. From such orientation it is interesting to note that national legislature explicitly chose to combine constitutional points with political international documents that were important to develop interventions on the prevention and repression of violence against women.

The government, with Decree-Law no. 11 of 23 February 2009, harshened sanctions against sexual violence instituting «urgent measures on matters of public security and of countering sexual violence»²⁹, introducing stalking as an offence and harshening penalties for crimes of sexual violence by making the detention of offenders compulsory.

Other than the above-mentioned examples at present, reference to the CEDAW is frequent and the rights it embodies have become a study topic in university curricula, offering courses on human rights, and in general education

²⁷ Law of 9 January 2006, no. 7, *Disposizioni concernenti la prevenzione e il divieto delle pratiche di mutilazione genitale femminile*.

²⁸ Article 2: «The Republic recognises and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled».

Article 3: «All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions».

It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country».

Article 32: «The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent».

No one may be obliged to undergo any health treatment except under the provisions of the law. The law may not under any circumstances violate the limits imposed by respect for the human person».

²⁹ Decree-Law of 23 February 2009, no. 11, *Misure urgenti in materia di sicurezza pubblica e di contrasto alla violenza sessuale*.

programmes devoted to women's condition. Evidence that today there is greater awareness of these international conventions on human rights and on women's rights is illustrated by Italy's law authorising the ratification of the Optional Protocol at the CEDAW, in September 2000. On that occasion many individuals and groups voiced their views in favour of Treaty adherence and, especially through the Internet, made the content explicit, highlighting the guarantee mechanisms and potential implications in terms of justiciability of women's human rights deriving from the ratification.

4. The First and Periodical Reports Italy Submitted to the CEDAW

To date, the Italian government has submitted five periodic reports to the CEDAW. The sixth is currently in progress and it was expected to reach the Committee in July 2006. The Department of Equal Opportunities established by the homonymous Ministry is working on it right now (Fall 2009). Italy's first periodic report (CEDAW/C/5/Add.62) expected on 10 July 1986 was presented and discussed on 20 October 1989 in the Committee's 10th work session; the second periodic report (CEDAW/C/ITA/2) was expected on 10 July 1990 but was received on 1 March 1994 and examined in the 17th work session (15 July 1997) along with the third periodic report (CEDAW/C/ITA/3) expected on 10 July 1994 but obtained by the Committee on 21 June 1997. The fourth and fifth reports (CEDAW/C/ITA/4-5) were prepared jointly and submitted on 22 December 2003. They were examined in the 32nd session in January 2005.

Concerning the initial report, despite a general appreciation for the document's correctness at the procedural level, the Committee raised a series of points to the Italian government representative about incomplete information, not from the perspective of legislation and policies for the advancement of women, but rather for the actual situation of women. In particular, the questions raised embodied some historically crucial nodal points, some of which are still not completely resolved. The report should have focused on the diversity of

situations of different geographical areas of the country based on some indicators. Another issue that emerged from the initial report was the persistence of cultural stereotypes that discriminate against women, as sexism in language illustrates. The Committee then clearly made reference to the difficulties in amending the laws on sexual violence and on prostitution policies, also because of the spread of HIV. In preparing the report, the institutional infrastructure on equal opportunities was put in the forefront, as was the participation of civic and social organisations in the preparation of the report, which in the initial phase was edited by the Interministerial Committee for Human Rights working from the Ministry of Foreign Affairs and later from the National Commission for Equality and Equal Opportunities between Men and Women. While assessed, other items of particular contrast for the government representative regarded the transmission of citizenship, from mother to child, and the scarcity of women in national Parliament, European institutions and in the legal system.

In relation to the two subsequent reports (CEDAW/C/ITA/2 and CEDAW/C/ITA/3), examined jointly in July 1997, what emerged from the beginning was the scope and focus, especially in the third report, that was recognised to the policies aimed at women and presented, based on the text discussed at the time of the debate, in a comprehensive way by a high-level government delegation. Concerning the critical areas, a number of considerations were made in relation to the inadequacy of measures conceived to break away from stereotypes and to the presence of national laws based on a patriarchal logic that discriminated against women. At stake there was even the issue of women's political participation, especially in terms of quota, regarded by the Italian government as unnecessary in backing women's electoral candidacy. The Committee had some concern on the difficulty of some areas in Southern Italy to secure public facilities in case of voluntary interruption of pregnancy. Such situation no doubt stems from the impact of conscientious objection by a significant number of doctors, as recognised in Law no. 194. Committee recommendations were centred mostly on fighting indirect discrimination, the implementation of gender sensitive policies, particularly in relation to a conciliation between time for the family and employment outside the home. As to family

side, the protection of women and children against family violence was also considered. It called for the urgent adoption of a law which fully responded to different situations effectively and acted as a deterrent. In preparing its periodic reports, the Committee also hoped for greater collaboration of NGOs, even with the goal of raising people's awareness about the Convention and the rights it sets out therein.

The last two reports, examined jointly by the Committee (CEDAW/C/ITA/4-5) in the 32nd session, held in January 2005, led to important considerations. In the introduction, the member state representative highlighted the efforts made towards the reaffirmation of women's dignity and to protect women from all forms of discrimination, abuse and violence, coherently with the commitments made at the Beijing Conference and as a result of the adaptation of national legislation to the new EU Directives to fight discrimination, as the European Directive no. 73/2002 illustrates³⁰. Its goals are to promote equal access to the labour market, to education, job training, and to labour and social conditions.

The commitment of the member state to ratify the Convention was apparent in 1996, through the appointment of the Ministry for Equal Opportunities, responsible for the coordination and effective implementation of policies on equal opportunities. Then, in 2004, this Ministry established a National Office for the Promotion Equal Treatment and the Removal of Any Racial and Ethnic Discrimination (UNAR) as a tool to fight other forms of discrimination.

Regarding the participation of women in decision-making spheres, the government representative referred to the amendments of Article 51 of the Constitution, Law no. 90/2004 on the rules on European Parliament elections and other provisions on the elections of 2004³¹. It foresees that at least a third of the election candidates in the European Parliament be women. With regard to working conditions, the steady growth of female employment was highlighted. This positive trend was also confirmed in the business sector in which, from 1998 to 2003, women's participation rose by 3.7%. In addition, the government's commitment to issues of violence and exploitation were brought up. Such orientation is evident from Law no. 228/2003, with measures against human trafficking³², aligned to the provisions introduced inter-

³⁰ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC 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.

³¹ Law of 8 April 2004, no. 90, *Norme in materia di elezioni dei membri del Parlamento europeo e altre disposizioni inerenti ad elezioni da svolgersi nell'anno 2004.*

³² Law of 11 August 2003, no. 228, *Misure contro la tratta di persone.*

nationally with the Protocol against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

As to the Committee's concluding comments, notice should go to the fact that the report contained no detailed references on Articles 8, 9, 15 and 16 of the Convention. This information had been requested and was among the list of questions the Committee had handed to the Italian representatives, but the state has not come up with any written response. The Committee also highlighted the inadequate involvement of NGOs in helping to draft the report, and expressed its appreciation of the amendment of Article 51 of the Constitution which, as stated by the delegation, served to reinforce the principles of the Convention by conferring a constitutional value to them. Furthermore, the Committee endorsed the legislative reforms of the previous years and the ratification of the Optional Protocol at the CEDAW. What emerged however was that national legislation had not defined discrimination against women in accordance with Article 1 of the Convention, despite the introduction of the amendment of Article 51 of the Constitution on the principle of equal opportunities for men and women. But the Committee conceives it possible that not having a specific obligation may help reduce the scope of the substantive equality principle.

On this issue however, it should be observed that such view is not acceptable since, after Italy ratified the CEDAW in 1985, the Italian legal system has a definition of discrimination against women enshrined in the CEDAW. The law ordering the execution of the CEDAW formally approves all of the rules contained in the latter, as though they were rules of internal law, and thus also the concept of gender discrimination. The current wording of Article 117 of the Constitution stating that «Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations» should also be noted. It seems evident that international constitutional obligations imply that any internal prescriptions that are in contrast with such obligations ought to be considered unconstitutional and must thus be reformed and elevated to international standards, eliminating the possibility of having subsequent inconsistent legislative acts. It seems

however that the relevance of such definition, not being immediately perceivable in so far as it is relegated in an international law instrument, no doubt would deserve a clear expression also in a law of the national Parliament.

To the Committee, the Italian government's efforts to encourage the participation of women in politics and public life, to fight stereotypes, to have adequate education, and to encourage men in activities of home-based family care appear inadequate.

The Committee's remarks also criticised the national machinery on gender equality. While acknowledging the Italian government's efforts towards the promotion of gender sensitivity in all areas, the Committee was concerned about the lack of specific national mechanisms on human rights and by the gradual loss of relevance and of functions of the National Commission for Equality and Equal Opportunities. The creation was suggested of an institutional structure to handle specific gender issues on discrimination and to monitor policies aimed at promoting women's human rights, and generally any measure that may discriminate against gender.

On the problem of women's underrepresentation, though there is recognition of the greater number of Italian women in European Parliament, the Committee was still deeply concerned about the significant underrepresentation of women in political and public office (particularly the judiciary) and thus recommended the introduction of appropriate measures to encourage the participation of women, including temporary measures in compliance with Article 4, para. 1, of the Convention and General Recommendation no. 25³³.

The points to emerge on migrant women from the report are many. Besides the problem of their representation in decision-making bodies, during the confrontation with the Italian government delegation it was asked to account for some of the critical areas of national legislation on immigration. In general, the Committee claimed that some segments of the female foreign population could be more vulnerable and marginalised, especially in education, employment, health and participation in public life. Focus was given to the issue of asylum seekers, in particular the aspect of not recognising gender-based persecution as a ground to obtain the status of refugee.

The Committee, urging that concrete measures to eliminate

³³ General Recommendation no. 25, on Article 4, para. 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures.

discrimination against the most vulnerable groups of women as Roms and immigrants be adopted, has formally asked the Italian government to review, in its upcoming periodic report, the situation of immigrant women and of some minorities on issues that include the access to education, employment, health-related services and participation in politics and public life. It also wants the government to consider, as soon as possible, the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In brief, it is possible to talk about a growing attention towards the CEDAW in Italy with reference to the latest years, especially within the milieux more committed to the promotion of the rights of women and, generally speaking, of human rights.

While in the period following the ratification the impact of this Convention had been actually negligible – both at the institutional level and in non-governmental bodies and movements –, nowadays the acquired awareness of the international dimension of certain issues – even as a result of the transversality of many violations of the rights of women, for example gender-based violence – has strengthened the attention toward supranational politics and rules, thus stimulating a more effective approach to the CEDAW and other key international legal instruments and documents aimed at the protection and promotion of the status of women.

