ITALY

The principle of equal opportunity is grounded in the Italian Constitution (Arts. 3, 37, 51) and Italy became a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, acceding to the CEDAW Optional Protocol in 2000. Recent important legislation in the pursuit of gender equality include the Legislative Decree No. 198/2006, also known as the “Code of equal opportunities between men and women”, Law 183 of 2010 which acts on the regulation of gender equality and women’s employment, and a recent law in 2013 which sets stricter penalties for perpetrators of domestic abuse, sexual violence, and stalking. While such legislative initiatives have been applauded, measures to ensure their implementation remain weak. The government has however, enacted a National Action Plan on Violence against Women and Stalking (2010-2013) and the First National Strategy for the prevention and the fight against discrimination on the ground of sexual orientation and gender identity (2013-2015).

1. Discriminatory Family Code

The legal age of marriage in Italy is 18 for both sexes, although women and men who have reached the age of 16 may marry with the permission of the court and parental consent. The last several decades (since the 1980s) have seen both a rise in the average age at first marriage (currently at approximately age 30 for women), a decline in the overall number of first marriages, and an increase in the number of cohabitations. Regarding early marriage, in 2010, 0.4% of 15-19 year old women had ever been married, divorced or widowed.

Women and men have equal parental authority over children during marriage and both men and women can be the head of the household. Prior to Law 54 in 2006, which enacted joint custody in the event of divorce, mothers were almost always given custody of children. The new divorce law grants custody of children to both parents as a standard and priority procedure. In practice, however, judges often award joint custody with the children’s stable residence in the conjugal home, which is most often allocated to the mother.

When it comes to decision-making over earnings and household purchases, the majority of Italian couples make such choices jointly. More specifically 54.5% of Italian couples decide together when it comes to everyday shopping, 75.9% in terms of important expenses to make for children and 79.2% with regards to expensive

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1 United Nations Treaty Collection (2014)
2 Unione Forense (n.d.) CEDAW Shadow report, p.4
3 Idem; WAVE (2013)
4 CEDAW (2013) p.4
5 UNdata (n.d.)
6 Demo Istat (2012); CEDAW (2010) p. 105
8 CEDAW (2010) p.98
9 Schnabel (2013) p.609, 610
10 EuroStat (2012)
purchases of consumer durables and furniture.\textsuperscript{11} Recent studies show that wives’ responsibility for decisions increase as her characteristics in terms of age, education and income more closely resemble those of her husband.\textsuperscript{12} There is some evidence, however, that wives may also have greater responsibility when she is not employed, suggesting that decision-making responsibility is assigned to the spouse with more available time.\textsuperscript{13} The law provides women equal inheritance rights as wives (Civil Code, Art. 581-585), and girls equal inheritance rights as daughters (Civil Code, Art. 565).\textsuperscript{14} Since January 2014 a new law (D.Lgs. 154/2013) removed previous discrimination towards children born outside of marriage. Before, the law was distinguishing between ‘legitimate sons’ who are born from parents legally married to each other and ‘illegitimate sons’, born from unmarried parents. Now all sons inherit equally. In addition, siblings can now be heir to the other, even if they were adopted or have a different parent.\textsuperscript{15, 16}

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Women may initiate divorce in the same way as man, and this right is not restricted in any way. More generally, Italian law envisages only a few grounds for divorce, such as long-term imprisonment of one of the spouses or, more frequently, a period of legal separation lasting 3 years (as per the reform law of 1987, previously this period was 5 years).\textsuperscript{17} While on the rise, Italy has one of the lowest rates of divorce in Europe.\textsuperscript{18} Studies on divorce show correlations with wives’ labour market participation, high education level, residence not in the South, and not being a regular churchgoer.\textsuperscript{19} Studies on the use of time reveal that among dual earner couples, Italian women bear a larger proportion of unpaid work in the family. However, time-use research suggests that younger and better-educated Italian fathers, whose wives are in workforce employment, participate slightly more in household work, particularly childcare (by 9 minutes per day), compared to other men. Asymmetry remains notable, however, with women still undertaking 76% of the housework.\textsuperscript{20}

2. Restricted Physical Integrity

Law number 154 of 2001 (“Measures against violence in family relations) specifically addresses domestic violence with a focus on protecting the victim from the perpetrator. Domestic violence is defined as behaviour causing a spouse or other cohabiter serious prejudice to their physical or moral integrity, or to their personal freedom. The definition includes emotional, physical, and sexual, but not financial, abuse.\textsuperscript{21} While the law

\textsuperscript{11} Idem  
\textsuperscript{12} Bertocchi et al. (2014)  
\textsuperscript{13} Idem  
\textsuperscript{14} World Bank (2013)  
\textsuperscript{15} Studio Legale Magri (2014)  
\textsuperscript{16} Gazzetta Ufficiale (n.d), DECRETO LEGISLATIVO 28 dicembre 2013, n.154 http://www.gazzettaufficiale.it/eli/id/2014/1/8/14G00001/sg, [accessed 06/05/2014]  
\textsuperscript{17} Schnabel (2013), p.610  
\textsuperscript{18} CEDAW (2010) p.106  
\textsuperscript{19} Schnabel (2013) p.609; Demo Istat (2012)  
\textsuperscript{20} Schnable (2013) p.610, data from 2009  
\textsuperscript{21} World Bank (2013); CEDAW (2010) p.28
provides for the separation of a violent spouse or relative from the family, through civil or criminal proceedings, victims frequently decline to press charges due to fear, shame or unawareness of the law.\textsuperscript{22}

The Ministry of Equal Opportunity operates a hotline for victims seeking immediate assistance and temporary shelter, and there are over 200 shelters funded by local authorities. Although these initiatives have improved awareness of rights and remedies, cases of domestic violence remain underreported, in part due to the insufficient training of social operators, police and health workers, in part due to shame felt by victims and views that domestic violence is best either concealed or tacitly accepted.\textsuperscript{23}

Results from a recent survey by the European Union Agency for Fundamental Rights indicated that the prevalence of physical and/or sexual partner violence in Italy was of 19\%.\textsuperscript{24}In addition, more than 120 women were killed in domestic violence attacks in 2012.\textsuperscript{25}Only 7\% of Italians believe domestic violence is acceptable in certain circumstances.\textsuperscript{26}In 2013, the Italian government approved a 12 point legislative decree that sets stricter penalties for perpetrators of domestic abuse, sexual violence, and stalking, as well as grants law enforcement agencies the right to remove an abusive partner from the house. Critics, however, have argued that tougher legislation is not necessarily the solution in that existing laws are adequate but arbitrarily applied, paired with a lack of a well-organized, funded network of psychological, legal and financial assistance and resources for women in abusive relationships.\textsuperscript{27}

\textbf{Rape}, including spousal rape, is a criminal offense. According to ISTAT, in 2009, 178 individuals were prosecuted for rape.\textsuperscript{28}That same year, the Italian government approved a law that introduced tougher penalties for murder committed after sexual violence, sexual assault and lewd sexual acts against minors, gang rape and stalking all punishable with life imprisonment. Although Italy’s rape laws were originally written in the 1930s under the rule of Benito Mussolini, when rape was considered a crime against a woman’s honor, since 1996 rape has been classified as a crime against a person (not a crime against public morals) and punishment includes a minimum sentence of 5 years. The law also no longer distinguishes between crimes that include intercourse and crimes as acts of lust, the latter of which carried a lighter sentence.\textsuperscript{29}

Legislative Decree number 198 (also known as the “Code of equal opportunities for men and women”), enacted in 2006, specifically addresses sexual harassment, defined as “any unwanted conduct, physical, verbal or not-verbal, having sexual character and the purpose or effect of violating the dignity of a worker and creating an intimidating, hostile, degrading, humiliating or offensive environment.” The decree does not, however, provide specific criminal sanctions, nor is there legislation that addresses sexual harassment outside of the workplace.\textsuperscript{30}Sexual harassment can, however, be prosecuted under the criminal code provision on sexual violence, which is broadly worded and makes punishable “everybody who, with violence or threat or through abuse of authority, obliges anybody to make or to undergo sexual acts.”\textsuperscript{31}In addition, a law on stalking was introduced in 2009,

\textsuperscript{22}CEDAW (2010) p.28
\textsuperscript{23}30 Years CEDAW (2011); Union Forense (n.d.) CEDAW Shadow report
\textsuperscript{24}OECD (2014), \textit{Gender Institutions and Development Database}, http://stats.oecd.org/
\textsuperscript{25}30 Years CEDAW (2011); UNStats (2010) Violence against women; ISTAT (2006)
\textsuperscript{26}OECD (2014), \textit{Gender Institutions and Development Database}, http://stats.oecd.org/
\textsuperscript{27}WAVE(2013)
\textsuperscript{28}US Department of State (2012)
\textsuperscript{29}30 Years CEDAW (2011)
\textsuperscript{30}World Bank (2013)
\textsuperscript{31}Idem
which includes mandatory detention for perpetrators, including partners.\textsuperscript{32} The Italian National Institute of Statistics (ISTAT) reports that 55.2\% of Italian women between 14 and 59 years of age have suffered from sexual harassment in their lifetime.\textsuperscript{31} When it comes to sexual harassment specifically in the workplace, most women prefer not to report cases to the police due either to a perceived lack of seriousness of the episode (28.4\%), having solved the problem alone or with family help (23.9\%), lack of trust in the police or the inability to act (20.4\%), or the fear of being judged or mistreated when reporting the incident (15.1\%).\textsuperscript{34}

The increase in migration to Italy has made visible the phenomenon of \textit{female genital mutilation}, and a rising number of female infibulations has been recorded, mostly among women of Somali or Nigerian origin.\textsuperscript{35} As a consequence, Act 9 of 2006 introduced measures to prevent and punish FGM; violators are subject to a prison sentence of up to 12 years or more if the procedure is conducted on a minor or for profit.\textsuperscript{36} The most recent prevalence estimates in Italy show that there are 35,000 women with FGM and 1,000 girls are at risk in the country.\textsuperscript{37}

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Using the most recent data available, the United Nations reports that 11.8\% of women age 20-49 had an unmet need for family planning, while 40.6\% were using a modern form of \textit{contraception}.\textsuperscript{38} Average age at first birth for women is 30.2.\textsuperscript{39}

Although \textit{abortion} is legal, women can face difficulties accessing emergency contraception or abortive pills, as doctors may choose to be “conscientious objectors”. There have been no efforts on the part of the government to provide a regular presence of non-objector doctors in hospitals so as to guarantee women’s right to a free access to sexual and reproductive health services.\textsuperscript{40}

3. \textit{Son Bias}

The \textit{male/female sex ratio} for the working age population (15-64) is 98 while the sex ratio at birth is 1.06.\textsuperscript{41} Analysis of sex ratio data across age groups indicates that Italy is not a country of concern in relation to \textit{missing women}.

\textit{More}

Under-five mortality rates are the same for boys than for girls;\textsuperscript{42} while disaggregated data on immunisation rates are not available, coverage is generally high, ranging from 90-99\% coverage depending on vaccine.\textsuperscript{43}

\begin{footnotes}
\item\textsuperscript{32} CEDAW (2010) p.26; US Department of State (2012); CEDAW (2013) p.24
\item\textsuperscript{33} 30 Years CEDAW (2011) p. 138, survey from 2004
\item\textsuperscript{34} ISTAT (2010); 30 Year CEDAW (2011) p.71
\item\textsuperscript{35} CEDAW (2010) p.94
\item\textsuperscript{36} Idem
\item\textsuperscript{37} European Institute for Gender Equality (n.d.)
\item\textsuperscript{38} UN, unmet need for family planning (2012) and world contraceptive use (2012), data from 1996
\item\textsuperscript{39} UNECE (2010)
\item\textsuperscript{40} 30 Years CEDAW (2011) p.75
\item\textsuperscript{41} CIA (2013)
\item\textsuperscript{42} UNICEF (2014) p.32
\item\textsuperscript{43} Idem, p.44
\end{footnotes}
Gross enrolment ratios at both the primary and secondary levels are approximately equal. According to a 2014 report by UNICEF, gross primary school enrolment ratios (females as a % of males) were 99% at the primary level and 99% at the secondary level.\textsuperscript{44} However, there are noticeable gender divisions in areas of study chosen, with more males in scientific and technology institutes and more women in the humanities.\textsuperscript{45}

4. Restricted Resources and Assets

Women have the legal right to own \textit{land and property other than land}.\textsuperscript{46} Although women have equal access to land, a woman runs one in every three farms and the latter are on average smaller than those run by men.\textsuperscript{47} The Italian National Institute of Statistics (ISTAT) has shown that women’s “factorial endowment” (access to credit, land, and machinery) is 60\% that of men’s.\textsuperscript{48}

According to the Civil Code (and following the reform of family rights in 1975), the default marital property regime is partial community of property and both partners must agree on the administration of property during marriage.\textsuperscript{49} Couples may also opt for the separation of estates regime.\textsuperscript{50}

There are no legal restrictions on women’s right to enter into business contracts and activities, and nor any legal restrictions on women’s opening a bank account or accessing bank loans and credit.\textsuperscript{51} In practice, however, female entrepreneurs face difficulties accessing credit and more often rely on self-financing (from family friends). Those managing very small firms are required to provide external guarantees more often compared to their male counterparts. They also pay 3-5 percentage points more on average than male entrepreneurs despite the fact that the proportion of bankruptcies is higher among men than women.\textsuperscript{52}

5. Restricted Civil Liberties

There are no laws that affect women’s free \textit{access to public space} and freedom of movement. Women may choose where to live in the same way as a man, and may equally access passports and national ID cards.\textsuperscript{53}

The Italian constitution provides for freedom of assembly and association, and Italians are free to form social and political organizations.\textsuperscript{54} Women’s rights groups are active, and efforts have focused on increasing female political participation and female presence in employment, fighting the misrepresentation of women in the public sphere, particularly the media, and raising awareness of violence against women. There are no specific reports of discrimination against women’s association and freedom for collective action although studies show that women participate less than men in strikes and rallies.\textsuperscript{55}

\textsuperscript{44} Idem, p.74  
\textsuperscript{45} CEDAW (2010)  
\textsuperscript{46} World Bank (2013)  
\textsuperscript{47} 30 Years CEDAW (2010) p.5; ActionAid (2010) p.11  
\textsuperscript{48} Idem, p.6  
\textsuperscript{49} World Bank (2013); 30 Years CEDAW (2011) pp.103-104  
\textsuperscript{50} 30 Years CEDAW (2011) pp.103-104  
\textsuperscript{51} World Bank (2013)  
\textsuperscript{52} 30 Years CEDAW (2010) p.6  
\textsuperscript{53} World Bank (2013)  
\textsuperscript{54} Freedom House (2013); US Department of State (2012)  
\textsuperscript{55} CEDAW (2010) p.51
Amendment of Article 51 of the Constitution in 2003 introduced the principle of gender equality in the access to public and elective offices. However, there are no quotas at the national level to promote women’s political participation. Legislated candidate quotas do exist at the sub-national level and Article 117 of the Constitution provides that regional laws must ‘remove all obstacles which prevent the full equality of men and women in social, cultural, and economic life, and promote equal access to for men and women to elective offices’. In addition, 12 of Italy’s 20 regions have adopted gender quotas in their regional laws, while 7 regions have applied similar provisions on gender quotas to those set forth for the National Assembly (1987-2001). While many political parties envisage some norms on gender equality or quotas for candidatures, they are applied with irregularity. The law on Public Financing for Political Parities also seeks to promote women’s participation in elected office by allotting quota equal to at least 5% of the electoral reimbursements received for initiatives oriented to such an objective. That said, however, there are proportionally fewer women than men in government.

Following the 2013 elections, women made up 31.4% of the seats in the national parliament. Women mayors within Italian municipalities amount to 789 out of 7,238 mayors, and there are 19,130 women on municipality Councils compared to 86,325 men; on regional Councils there are 118 women compared to 1001 men. Except for a few cases in minor Italian political parties, there have never been female party leaders, nor has Italy ever had a woman head of state or prime minister and very few women have held cabinet positions. When women have held cabinet positions, they are in posts for which their gender is assumed to make them more suitable, such as family and education. However, there has been an increase in the number of women in the last government: in April 2013, there were 7 women out of the 21 cabinet ministers, which represents a record in Italian history. According to the World Values Survey, the majority of Italians disagree or disagree strongly with the statement “men make better political leaders than women do” (although 19.2% either agreed or strongly agreed with the same statement).

In Italy, the Ministry for Rights and Equal Opportunities promoted a training project entitled Women, Politics, and Institutions to improve women’s education and interest in politics. This course was offered for free in 41 universities across Italy over two or four years. Overall, the project aimed at enabling women to participate more actively in politics and decision-making positions at the national and local levels.

More

Italian law (legislative decree 198 of 2006 and Article 37 of the constitution) mandates both non-discrimination based on gender in hiring and equal remuneration for men and women for work of equal value. The same
decree also addresses sexual harassment in the workplace. Legislative decree 151 of 2001 establishes a mandatory minimum length of *maternity leave* at 150 calendar days, during which time the government is responsible for financing 80% of the woman’s wages. Rates of female employment in Italy are at 56.9% in 2012. Variation by region is considerable, with much higher rates in the northern regions compared to the southern regions, characterised by high proportions of irregular work.

Regarding the *media*, Italy has long faced critique of its sexist portrayals of women present in both commercial advertising and regular programming. There are no preventive mechanisms that verify whether programming is discriminatory against women, although it is possible to appeal to the advertising self-regulatory Authority.

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69 Idem; Idem
70 Idem; Idem, p.63
72 CEDAW (2010) p.61
73 30 Years CEDAW (2010) p.4
Sources


Demo Istat (Italian National Institute of Statistics Online Database) Demography in Figures ([http://demo.istat.it/index_e.html - accessed 18 February 2014].


