



## **Quality in Gender+ Equality Policies**

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## **Issue Histories Italy: Series of Timelines of Policy Debates**

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## 1. INTRODUCTION: LEGISLATION AND MACHINERY

In Italy the development of gender equality laws and machinery is not a coherent and progressive process: different visions of gendered roles interlace very often and produce different emphases within legislation. Traditionally, the issue of equal economic treatment and reconciliation has been gendered (see law n. 903/1977), trying to protect women as workers and mothers. Feminist movements during the seventies are very active especially in the field of intimate citizenship (see the approval of law on divorce in 1970 and abortion in 1978). At the end of that decade the concept of equal opportunities became part of the institutional language thanks to European and international decisions (Calloni: 2003).

The concept of affirmative actions in the field of employment, introduced by law 903/1977, is reinforced through law n. 125 in 1991; even in the field of political participation positive actions are not interpreted as quotas (for further details see p. 5). During the nineties gender issues found a further institutionalization: in 1996 the Ministry for Equal Opportunities is established and the following year a “National Directive” is promoted by the centre-leftist Prime Minister Prodi and the Minister for Equal Opportunities Angela Finocchiaro. Through this National Directive the concept of mainstreaming entered the Italian political agenda.

The year 2000 can be considered another significant moment in relation to equality legislation in Italy. The approval of law n. 53/2000 on parental leave constitutes a big shift. It elaborates issues that have been long debated by feminists close to the former Communist party and tries to change the traditional Italian attitude concerning working mothers and their centrality in the family.

An intersectional approach has emerged only recently. Namely in 2003 the government set up UNAR (Ufficio nazionale Antidiscriminazioni Razziali, Italian National Office against Racial Discrimination).

### 1.1 A short history of the development of (gender) equality law or (gender) equality strategies or plans.

#### Pre 1995 period

In order to understand the current gender equality laws and strategies in Italy it is necessary to briefly take into consideration the Italian Constitution and to look back at the Seventies. After the Second World War public discourses are concentrated on the “women question” (*questione femminile*) and on the need to emancipate female citizens, fostering women’s presence in public offices (Calloni 2006).

The Italian republican Constitution (1948) is a compromise between the Communist Party and Catholic Party, the major forces that took part in the Liberation war against Nazi-Fascism<sup>1</sup>. Despite the inclusion of a general principle of equality, women in the Constitution are still considered vulnerable human beings who need to be protected by the law in order to safeguard their double role of mothers (reproduction) and workers (production)<sup>2</sup> (Calloni 2003).

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<sup>1</sup> Women acquired the right to vote in 1946 after their participation in the Resistance (*Resistenza*).

<sup>2</sup> Some Constitution articles are egalitarian in terms of gender (Art. 3), while others construct the ‘natural’ role of women as mothers and core of family life (Art. 37). Article 3 states that: “All citizens have equal social dignity and are equal before the law without any distinction of sex, race, language, religion, political opinion, personal and social conditions”. Article 37 affirms: “A female worker has the same rights and – for equal work – she must have the same remuneration as a male worker. Work conditions must permit the fulfilment of her

Until the Seventies in Italy no big changes occur in the juridical construction of gendered citizenship. That decade is characterized on one hand by the presence of strong social movements and on the other hand by an initial implementation of the European directives (Directive 75/117/EEC, Directive 76/207/EEC, Directive 79/7/EEC) that bring big changes both in the national legislation from a gender perspective and in the social and cultural features of broad parts of Italian society. Italy is among the member states that joined the European Community since its beginnings in 1957.

During the Seventies feminist groups are active in schools, universities, the health sector, institutions such as prisons or mental hospitals and in family issues. The educational system is reformed and the health system is universalized. Women are increasingly present in the educational field both as teachers and as students, new health services devoted to the protection of women's health (and not only to the reproductive system) are developed.

The European directives and the feminist movement contribute to change the legal framework from a set of rights based on the 'woman-mother' to a new one based more and more on gendered citizenship. Nevertheless, feminist movements do not contribute very much to the creation of women's policy machinery at the national level and State feminism has developed in Italy only since the Nineties (Guadagnini, Doná 2007).

From the '70s onwards employment is no longer the exclusive field of lawmaking and the hot issues of that time are moving towards the family and the reproductive rights: abortion, contraception, family advisory centres (*Consultori familiari*), the new family code, crèches, and female adultery<sup>3</sup>. After many struggles in the public arena and many parliamentary debates, in 1970 divorce becomes legal (Law n. 898/1970) and in 1978 it is possible to have a legal abortion (law n. 194/1978). Both the law on divorce and the one on abortion are put into question by the Catholic and the conservative parts of Italian society, and are submitted to two popular referendums for repealing them. The Referendum on divorce is held in May 1974 and the one on abortion in May 1981. The two referendums are unsuccessful and the laws remain valid (for further details and connections with the present situation see the report section on Intimate Citizenship).

At the end of the Seventies, feminists within the trade unions<sup>4</sup> start discussing female citizenship and 'equal opportunities' in a juridical way that later will be used by femocrats and women belonging to political parties. Outside the protection accorded to the working mothers, until that period workers' rights were understood mainly in a gender-neutral definition. Law n. 903/1977 on equality (Equal Treatment of Men and Women in Employment) constitutes the first Italian answer to two European Directives (Equal Pay Directive 75/117/EEC, Equal Treatment Directive

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essential familial function and afford the mother and the child a special adequate protection". Thus the protection of women workers is subordinated to their familial role (Calloni 2003, Donà 2006).

<sup>3</sup> Law n. 1044/1971 on public nursery schools, Law n. 1204/71 on maternity (it formally ensures the safeguard of the workplace after the maternity leave); Law n. 151/75, Reform of family Law, in which the partners have equal rights and the Father's authority is substituted by the Parental authority, Law n. 405/75 on the establishment of the Family Advisory Centres devoted to the sexual and reproductive health of women.

<sup>4</sup> "They developed in the areas of greatest working-class militancy, and within the industrial unions (especially the engineering unions), rather than in the traditionally female sectors such as textiles, or the expanding service sector. Women's membership in unions is roughly proportional to their participation in the workforce: for example, in the largest trade-union confederation, the Cgil, women made up 29.3 per cent of the membership in 1977, when they comprised 30.2 per cent of the workforce. Their representation in the union hierarchy, however, is much lower: a mere 6 per cent of full-time officials in the Cgil and a derisory 1 per cent of the national leadership of all unions" (Beccalli 1994).

76/207/EEC) and it seems a synthesis between the pressure of the feminist groups and the gender blind culture of the workers' movement. This law is particularly significant because it forbids any direct and indirect discrimination and it is explicit about the meaning of equal pay between men and women, stating that equal salary has to be calculated on the basis of same performance. It is an attempt to overcome the formal principle of equality giving instruments to build a substantial parity. Despite its non-discriminatory and equality framework, the Law 903/1977 has for long been ineffective. The sanction system is weak and there is no monitoring of its application (Donà 2006). Nevertheless, it represents the first step towards change in the construction of women as workers and not only as mothers to protect. In addition, it opens the way to the reception of EU directives (Calloni 2003).

During the Eighties a women's policy machinery is developed (see below) mainly due to the necessity of implementing European directives and international conventions (Calloni 2003). For example, in 1985 Italy ratifies CEDAW (Convention on the Elimination of Discriminations Against Women). In that decade Italian feminism is in decline; it loses its visibility in political struggles and starts to split: one part, composed of radical feminists, developed the theory of "sexual difference", like the groups *Libreria delle Donne* (Women's Bookshop) in Milan and Diotima.<sup>5</sup> Another part, composed by politicians, trade unionists and scholars, devote their efforts within the institutions. The latter starts to debate the low women's participation in political institutions, and the culture of equal opportunities and women's empowerment become shared concepts among feminists. In particular within the Communist party the debate will have broader consequences than in other parties such as the Christians Democrats. In 1986 feminists belonging or close to the Communist party produce the Communist women's Charter<sup>6</sup> (*Carta delle donne comuniste*). The Charter covers different themes and aims at representing women's point of view on a broad range of political issues (such as peace and war, labour-market policies, education) and at involving the party in such a project (Beccalli 1994). Women's claim to redefine party politics achieves some results: the women's presence within the Communist party and in the top positions is growing through the establishment of internal quotas for women on all the representative bodies in the party (Beccalli 1994).

In Italy during the nineties some dramatic political changes take place. *Tangentopoli* ('BribeLand'), a big political and institutional scandal that involves governmental parties, changes the political scene: all the parties modify their names and two coalitions (centre-left and centre-right) emerge in the new political order. Women can enter the political and institutional scene as new actors not compromised as in the previous system, while the old politicians are temporarily expelled from political life. However, the female presence in political institutions does not increase so much<sup>7</sup>. During the nineties two laws (n. 81/1993, n. 277/1993) are approved concerning the electoral system for municipalities, provinces, regions and state. The quota system is introduced to

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<sup>5</sup> Diotima is a philosophical community based at the University of Verona. It is composed mainly by scholars, teachers, some trade unionists.

<sup>6</sup> The Charter is circulated not only among women belonging to the Communist Party, but also among the feminists of *Libreria delle Donne* in Milan, who published the Charter in their pamphlet *Sottosopra*.

<sup>7</sup> The highest percentage of women in Parliament is reached in 1994 (13.1%, both Chambers) (Calloni 2003 : 126).

counterbalance the presence of men and women<sup>8</sup> in representative institutions, but the Constitutional Court abolishes it in 1995 (Judgement n. 422/1995). The Constitutional Court justified its decision claiming the unconstitutionality of the Law for damaging the principle of equality between the sexes. This Judgment seems to be in conflict with the concept of positive action.

The concept of affirmative action enters the Italian legislative scenario in 1991, with Law 125/1991 "Positive action for achieving parity between men and women at work". Law n. 125 derives from the Recommendation 84/635/EEC on positive actions favouring women and regards also self-employment. In a general context aimed at overcoming the previous merely protectionist legislation for women, law n. 125 recognises women workers and entrepreneurs as active social actors. The law included a wide definition of discrimination, and not only did it significantly improve the previous 1977 law, but also, according to Bianca Beccalli (1994), it is the best piece of legislation on the matter in the European countries. "Substantial equality" and "promotion of women's employment" are the main aims of the law, to be reached through affirmative actions (never interpreted as quotas), "removing obstacles, which factually prevent the realization of equal opportunities" (Art. 1). This law gives the chance for new bodies of experts and organizations to promote positive actions. A National Committee for Equal Opportunities is created within the Ministry of Labour with the task of monitoring Law n°125/1991 implementation and designing Annual National Action Plans for Equality on the basis of which funds are assigned to public and private employers for positive action projects. Following the concept of affirmative action, in 1992 the Italian Parliament passes Law n. 215/1992 to promote female entrepreneurs through positive actions.

**Quing Period: 1995-2007** Law n. 66/1996 "Norms against sexual violence" represents a big shift and a significant innovation in the Italian legislation. From being a 'crime against the morality', sexual violence<sup>9</sup> turns to be defined as 'a crime against a person', thus giving dignity to the victim. In law n. 66 women are no longer considered the exclusive representative and holders of the public morality, but they are 'in flesh and bones' citizens with rights.

Safeguarding maternity has always been a core issue in the Italian legislation on women workers. Law n. 903/1977, aiming at giving a comprehensive "protection" to women, forbids night work except for women in management positions and employed in health services. The Pregnant workers Law Decree (n. 645/1996), according to the Directive 92/85/EEC on the same issue, is more detailed regarding the safeguarding of pregnant women's health and the absolute ban of night work.

On the same topic, the Fifth Section of the European Court of Justice, stating that Italy is violating Article 5 of the Equal Treatment Directive, passed a sentence in 1997. Banning women from night work is considered incompatible with the formal principle of equal treatment for men and women.

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<sup>8</sup> Law n. 81/1993 (Direct election of the mayor, the president of the Province, the representatives of the city hall and provincial council) affirms: "In electoral lists one of the two sexes can represent no more than  $\frac{3}{4}$  of the total candidates" (Art. 5). In other words: at least  $\frac{1}{4}$  of candidates should be women.

<sup>9</sup> In this law, sexual violence is understood as both rape and indecent assault, usually committed against minors. Such unification gives greater significance to the dignity of a human being, highlighting the free choice on the use of one's body for sexual aims. The law aims at punishing violent sexual acts or carnal knowledge taken without the victim's consent.

Nevertheless, the Minister for Equal Opportunities Anna Finocchiaro proposes some amendments to the above mentioned ECJ decision and the bill containing them is approved in 1999 (law n. 25/1999). It reinforces the absolute ban on night work for all pregnant workers and women with a child up to one year old, but generally speaking it allows night work. Moreover it includes the possibility to refuse night work for workers with children under three years old. Additionally, the bill forbids pregnant women to work from the two months before until the third month after giving birth. This bill is preceded and followed by a big public debate promoted by trade unionists, activists of the leftist parties and employers, but the feminist world does not take part in it (Calloni 2003). The tension between a more liberal European vision and a more protectionist one in Italy leads the discussion to the theme of work flexibility and precariousness.

An important initiative undertaken in 1997 by the Prime Minister Prodi and the Minister for Equal Opportunities Anna Finocchiaro is the National Directive 7<sup>th</sup> March to promote actions aiming at the attribution of responsibilities and rights to women. It underlines the objective of mainstreaming gender equality in all institutional activities and policies. The Directive ratifies the European Fourth Action Programme on Parity and Equal Opportunities approved by the European Commission (1996-2000), and also shows the impact of the UN Beijing Conference on Italian gender policies. The Directive is the first initiative of the Ministry for Equal Opportunities and indicates to all Ministries some guidelines to implement the Beijing Platform, demonstrating a mixture of the many languages that have been conflicting in Italian feminism: sexual difference; equal opportunities; and women's protection. Its main goals are gender mainstreaming and empowerment but also training on a culture of gender difference, development policies and enhancement of women's employment, professional growth and female entrepreneurship, health protection and prevention, gender statistics and gender impact assessment. The Directive has deliberately the features of a general program that needs to be complemented by specific legislation but it will influence the following decade in gender equality policies.

In 1999 Law n. 380/1999 overcomes the last barrier regarding the formal exclusion of women in the working world: this law establishes the possibility for women to enter the army in any position, even the operative ones, and to reach any position in the hierarchy. A large shift regarding the traditional centrality of women as main caregivers within the family can be found in the law n. 53/2000 on parental leave which implements Directive 96/34/EC on the 'framework agreement on parental leave', concluded by the European employer and trade union organisations - the Union of Industrial and Employers' Confederations of Europe (UNICE), the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) and the European Trade Union Congress (ETUC). Law n. 53 regulates the support of maternity and paternity, the right of caring and the organization of city times. This leads to the introduction of significant changes in Italy. The scope of the law includes issues that characterize the feminist debate since the 1980s, especially the one promoted by the Charter of the Communist Women (*Carta delle donne Comuniste*). The need to reconcile work and family life, sharing duties and rights with the partner, and the need to transform the organization and quality of life in relation to the needs of working men and women comprise on one hand the theory of "double presence" (Balbo 1978), and on the other hand the theory of "sexual difference", supported by the Minister for Social Affairs Livia Turco (promoter of the law together with the Minister of labour). The new legislation attempts to overcome the traditional approach to gender relations: leave is thought not

only as maternal care, but as a right for the individual to take time for him/herself, for training and courses. A mainstreaming perspective is introduced: parenthood is not only a matter of women, but the father becomes an important actor in order to take care and educate the children. An important part of the Law aims at coordinating and planning urban times (opening and closing times of shops, offices and transportation services) in a work-life balance perspective (Art. 24). Art. 9 is financed through an annual budget and there are 3 calls for proposals for enterprises which want to implement organizational changes for better work life reconciliation. Most of the funding remains unused as the number of firms applying is very low.

In conformity with EC Directives, in 2001 law n. 53/2000, together with all Italian legislation concerning maternity and paternity, parental leave and provisions on the family, is unified in the legislative decree n. 151 (*Testo Unico in materia di tutela e sostegno della maternità e della paternità*).

Regarding domestic violence, in 1996 the National Commission on Parity (*Commissione Nazionale Parità*) proposes new rules. Domestic violence, historically hidden inside the home<sup>10</sup>, starts emerging as a social problem, thanks to the debate promoted by the women's movement since the end of the Seventies. Law number 154, "Measures against domestic violence", is approved on 4<sup>th</sup> April 2001. It aims at making the partner (either spouse or cohabitant), father or brother who committed violence (physical, moral or sexual), leave home. The protection is not limited to the repressive phase, but can and must also be preventive, thus introducing in Italy the protective order ([www.telefonorosa.org](http://www.telefonorosa.org), accessed on 23/04/2007). The Law follows a long and controversial debate in Parliament and civil society<sup>11</sup>, 19 years after the first Law was proposed by the feminist movement in 1979 and the many different bills proposed by MPs over the years. It is the effect of a transversal mediation among women's parliamentarian that is remembered as the "pink pact". Even if the Law corrects for a lack of legislation, it has been criticised by many feminists and law studies experts to be a "legislative slovenliness" (Virgilio in Romito, 2000) not connected with former debate and based mainly on a relevant increase of penalties for the perpetrators.

Some Constitutional reforms occur at the beginning of the millennium. During the centre-left government two Constitutional reform laws on devolution are adopted (Laws n. 2/2001 and 3/2001). Silvia Costa, as chair of the national Commission for Equal Opportunities, intervenes in the debate on the laws. The above mentioned laws contain provisions that require all regions to implement positive actions to achieve equality between the sexes and to promote equal opportunities in the access to elective posts in regional councils (Guadagnini, Donà 2007).

The national Commission for Equal Opportunities and the Ministers for Equal opportunities back the initiative undertaken by some centre-leftist female MPs to modify article n. 51 of the Constitution. The modification gives the possibility to introduce quotas in all electoral laws. The

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<sup>10</sup> The historical lack of statistical data on domestic violence is a clear sign of the institutional neglect regarding this issue. The first surveys on domestic violence are carried out by independent NGOs, such as Telefono Rosa, ([www.telefonorosa.org](http://www.telefonorosa.org), accessed on 23/04/2007), while the National Statistical office (Istat) issues a research in 2007 ([http://www.istat.it/istat/eventi/2007/violenza\\_donne\\_2007/](http://www.istat.it/istat/eventi/2007/violenza_donne_2007/), accessed on 23/04/2007).

<sup>11</sup> An important role is played by women's organizations like Telefono Rosa active in running Women's Shelters and supporting victims: they are the ones who start a dialogue with women parliamentarians in the first half of the 90s and even write a bill proposal.

approval takes place in 2003, when the Minister for EO (Equal Opportunities) Stefania Prestigiacomo builds a cross-party alliance of women MPs (Guadagnini, Donà 2007).

While during the nineties the fracture among the different gender theories is partly overcome<sup>12</sup> (Calloni 2006), when Berlusconi's coalition (centre-right) wins the election in 2001, a new fracture occurs and most of the femocrats who played a role in the previous centre-leftist government leave. As Marina Calloni states: "the political choice made by the new coalition was very clear: to eliminate any trace of previous cabinets. This decision was confirmed by a symbolic act performed by the [new] Ministry for equal Opportunity: the dismantling and destruction of the archive with materials that were put together in the five years of the previous three cabinets" (2006: 64). The new Minister is Stefania Prestigiacomo, a young entrepreneur and activist of Forza Italia (Berlusconi's party), with no connection to the feminist movement (Guadagnini, Donà 2007).

The first case of 'legislated intersectionality' in equality policies is the transposition of one of the two European anti-discrimination Directives in the year 2003 with Legislative decree n. 216/2003, which transposes Directive 2000/78/EC on the establishment of a general framework for equal treatment in employment and occupation that prohibits direct or indirect discrimination on grounds of belief, disability, age or sexual orientation. Especially the most progressive trade unions like CGIL and its LGBT section called NIDIL, together with gay and lesbian national NGOs, strongly criticized the Italian legislation for being a restrictive and partial interpretation of the European Directive and for not allocating enough tools and resources to monitor its implementation. Only some regions (e.g. Piemonte and Tuscany) have chosen to legislate at the local level on this matter. Other bills proposed by leftist MPs for legislating against homophobia and for the recognition and non discrimination of diverse sexual orientations and gender identities have not been approved by the Parliament and transformed into Law. During the debates, parties influenced by the Catholic Church often refer to an article by former cardinal (now Pope) Joseph Ratzinger published in the newspaper "Osservatore Romano" in 1992 (*Some consideration on law proposals on non discrimination against homosexual people*) and more recently in 2003 (*Considerations on bill proposals to recognize homosexual partnership, Considerazioni circa i progetti di legge per il riconoscimento delle unioni*). The recent debate on civil unions and same sex partnership rights (the so called "Dico") has strongly drawn public attention to the issue (see the Report on Intimate Citizenship).

In 2005, women in Parliament fail to converge on a common political project to insert quotas within the new Electoral Law. The Minister for Equal Opp., Prestigiacomo, proposes to amend the debated bill and to introduce a gender quota in electoral lists. The Parliament rejected the proposal and she succeeds in having approved by the Council of Ministries a legislative decree<sup>13</sup> obliging parties to put in electoral lists one woman for every 3 men and by the year 2011 one for every 2. A system of penalties and incentives is designed to cut up to 50% the electoral expenses reimbursed in the first application and the non eligibility of the lists from 2011 onwards. The decree will never

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<sup>12</sup> Traditionally the formal top-down model of Equal Opportunities is criticised as an empty holder by the feminists who adopt a bottom-up model developed through the practices of sexual difference. This historical division within the women's movement is partly overcome through the debate developed from the Communist Women's Charter (1986), and the consequences of the latter.

<sup>13</sup> DDL. N°3360, November 23rd, 2005.

be approved; quite contested within the same government, it is not supported by leftist women MPs. Apart from technical remarks on its supposed ineffectiveness, the attention paid by the Berlusconi's Government to women's political representation is judged as a mere instrumental and electoral strategy, considering the long time spent by the Parliament debating Law proposals on quotas without approving any of them. It is easy to see how the pre -electoral campaign atmosphere characterizing the debate and the approval of a very controversial Electoral Law<sup>14</sup> was not the best context to find a cross party alliance among women.

Regarding reproductive rights, during the centre-right Government, Law n. 40/2004 on assisted reproduction is passed. This law makes it a crime to freeze or destroy human embryos or to use donated sperm and eggs, the number of oocytes that can be fertilized is limited to three and all the embryos created must be transferred into the woman's womb. The use of assisted reproduction techniques is restricted to sterile heterosexual couples in a stable relationship and all forms of pre-implantation genetic testing are banned. During the same year, in July, a referendum is held to amend some articles of the law: article 1 on the prohibition to freeze embryos and to use them for scientific purposes; article 2 on compulsory implantation of three embryos for each treatment; article 3 on the recognition of juridical rights to embryos; article 4 allowing only homologue fertilization. The article restricting access only to heterosexual couples is not included in the referendum. Big demonstrations are organised by women's movements and all organisations striving against the heavy influence of Catholic hierarchies in political life, those defending the freedom of research, and LGBT associations.

In 2006, the Minister for Equal Opportunities Stefania Prestigiacomo issues a Code for Equal Opportunities between men and women (*Codice per le pari opportunità tra uomo e donna*). According to Marila Guadagnini and Alessia Donà, "the Code turned to be a 'cut and paste' of previous laws and, as such, did not help improve interagency coordination" (2007: 236).

In February 2006 Law n. 54 on shared children's custody is passed. It has been debated for 5 years in Parliament before its approval but it has not been accompanied by a strong public debate among feminists and/or femocrats. It introduces the principle of double parenthood and shared parental authority. Before this law, after divorce children's custody was almost automatically assigned to mothers, while in this case, even if the judge still has the possibility to attribute it just to one of the parents, the indication is to recognize equal dignity to fatherhood and to equally share time and responsibility (see Report on Intimate Citizenship for further clarifications).

In June 2007 the European Commission sent formal requests to Italy and other 13 Member states to fully transpose EU Directive 2000/43/CE aiming at banning discrimination based on race or ethnic reasons. The Race Equality Directive passed in 2000 and Member States had to implement it into national law by 2003<sup>15</sup>.

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<sup>14</sup> Law 270/2005 is considered to be very detrimental for many reasons and especially in widening distances between the elected ones and electors. Many journalist and analysts have defined it as "porcellum"-*skulduggery*.

<sup>15</sup> See IP/07/928: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/news/ip07\\_928\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/news/ip07_928_en.pdf) (accessed on 09/07/2007)

## 1.2 A short history of the development of gender equality machinery in government and its relationship with governmental institutions for other equalities.

The main Italian governmental institutions responsible for gender+ equality are the following:

- ✓ Equal Opportunities Ministry, (*Ministero delle Pari Opportunità*)
- ✓ <http://www.pariopportunita.gov.it/>
  - Within the Ministry, the following institutions are to be found:
    - Equal Opportunities Department (*Dipartimento per le Pari Opportunità*)
    - <http://www.pariopportunita.gov.it/>
    - National Committee for Female Entrepreneurship, Ministry for Equal Opportunities (*Comitato per imprenditoria femminile, Ministero per le Pari Opportunità*)
    - UNAR, National Office against racial discrimination, (*Ufficio Nazionale Antidiscriminazioni Razziali*), Ministry for Equal Opportunities (*Ministero per le Pari Opportunità*)
    - <http://www.pariopportunita.gov.it/DefaultDesktop.aspx?page=72>
    - Committee for the implementation of art. 18, Ministry for Equal Opportunities (*Commissione interministeriale per l'attuazione dell'art. 18 del testo unico sull'immigrazione*)
    - <http://www.pariopportunita.gov.it/DefaultDesktop.aspx?doc=801>
    - Committee against genital mutilations, Ministry for Equal Opportunities (*Comitato contro le mutilazioni genitali femminili, Ministero per le Pari Opportunità*)
- ✓ Equal Opportunities Commission, (*Commissione Pari Opportunità*)
  - [www.commissione-pariopportunita.it/](http://www.commissione-pariopportunita.it/)
- ✓ National Committee on Equality, Ministry for Labour (*Comitato nazionale di Parità, Ministero del Lavoro*)
  - <http://www.lavoro.gov.it/Lavoro/md/AreeTematiche/tutela/comitatoNazionaleParita/>
- ✓ National Councillor for Equality, Ministry for Labour (*Consigliera nazionale di Parità, Ministero del Lavoro*)
  - <http://consiglieranazionaleparita.lavoro.gov.it/default.aspx>

Italian women's policy machinery is established during the eighties, especially in the field of labour, and during the nineties is consolidated both at the national and local levels. The reorganization of the gender equality machinery during that decade is due mainly to the transposition of European Directives and, according to Doná (2006), is not very well integrated within the government system. Nevertheless the Minister for Equal Opportunities has the right to a deliberating vote in the Council of Ministers and she is responsible for coordinating general politics for Equal Opportunities within other Departments of the Government. Also, the strength of the Ministry's action depends on the broader context in which it operates: since women's political (but also institutional, economical etc.) participation is still very low, it is still difficult to implement mainstreaming and the risk is that of marginalisation.

The proliferation of bodies with partially overlapping functions, such as the Ministry for Equal Opportunities and the National Commission for Equal Opportunities, bring some confusion in the specific duties and responsibilities. Generally speaking, Italian women's policy agencies show a

division of responsibilities between institutional bodies that address gender equality in the workplace and structures that deal with equality in all other areas (Guadagnini, Donà 2007).

As explained above, the official commitment by the Italian government to develop sexual equality dates back to the passing of the Equal Employment Law in 1977. Its practical implementation has to wait until the establishment in 1983 of the *National Committee for Implementing the Principles of Equal Treatment and Equal Opportunities among women and men workers* (Comitato Nazionale per l'Attuazione dei Principi di Parità di Trattamento e uguaglianza di opportunità tra lavoratori e lavoratrici) within the Ministry of Labour. The profile of the commissions themselves, and the activities of individual members, have a considerable influence upon crucial sectors of public opinion, and contribute to the raising of expectations with regard to women's empowerment. The National Committee for Equality, for example, finds its most useful allies among trade-union feminists.

The functions of the Committee include: elaboration of law proposals to submit to the Parliament; monitoring of the equality law; and the possibility to undertake surveys with the support of the Labour inspectors. The Committee remains in office between 1983 and 1987, but then it stops its activities because the Ministers of Labour do not reconfirm the structure.

In 1991, through law 125/1991, the Committee is reintroduced again within the Ministry of Labour. It is composed by representatives of trade unions, employers' and women's associations. The Committee can introduce law proposals, refers to the Ministry about the implementation of the law, provides information, promotes positive actions and gives opinions on projects. Positive actions can be promoted by a Parity Committee, parity advisers, national, local and company centres devoted to parity and equal opportunities, public and private employers, trade unions and vocational training centres (Calloni 2003). The Committee has a special fund (516.000€ in 1994) and a staff of 8/14 persons, meaning that some positive actions projects can be financed. According to law 125/1991, Public administrations have to implement affirmative actions and private companies with more than 100 employees have to draw up a report about the conditions and number of male and female employees and their advancement in career and training.

The function of the **Councillors for Equality**<sup>16</sup>, playing a central role in avoiding discrimination and promoting equal opportunities, is reinforced through law n. 125/1991. The Councillors for Equality have the task of acting as "watchdogs" of gender equality especially at workplaces and are nominated by the Minister for Labour together with the Minister for Equal Opportunities. Their role is reinforced and actually implemented only in the year 2000 (Decreto Legislativo 196/2000). As public officers they are authorized to bring employers to judgement (to the Administrative or Labour Court), even through provisional injunction and for all cases of direct and indirect discrimination. Nevertheless, they mainly use an informal procedure aimed at finding mediation between employee and employer. They also promote awareness raising projects and are in charge of controlling the implementation of positive action plans by Public Administrations according to Law 125/1991. Article 9 of the decree 196/2000 creates a national fund to implement the activities of the Equality Councillors consisting in €9 million per year. Before this allocation the Councillors

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<sup>16</sup> Councillors for Equality are established in 1984 (law n. 726/1984); they work within regional employment commissions and provincial bodies that deal with employment policies. The main function of the councillors for equality is to put into practice the principle of equal treatment for women and men in the field of labour. They can report offences to the juridical authorities and institute legal actions.

received no funds, a fundamental instrument for their work. A national Network of Equality Councillors is also established by Law 196/2000 in order to exchange best practices and to coordinate local activities (Guadagnini, Donà 2007).

Different institutional structures were set up to deal with equality in all areas other than the labour market. In 1984 a **National Commission for Equality and Equal opportunities** (*Commissione nazionale per la parità e le pari opportunità*) is created to advise the Prime Minister. Representatives of different organizations are taking part in it: political parties, trade unions, industrial associations, and NGOs. It is a consultative body providing policy assistance to promote equal opportunities activities. Moreover it has coordination functions for all government initiatives on equal opportunities. In 1990 the national Commission is formalized by law n. 164/1990.

In 2004 (Legislative Decree n. 266/2003) under the Berlusconi government, the commission is replaced by another body named '**Commission for Equal Opportunities between Men and Women**'. The Chair, previously decided by the Prime Minister, is now the Minister for Equal Opportunities. It no longer coordinates the government actions in the field of equal opportunities but still has consultative functions. The initiative produced a divorce between femocrats, feminists and the equal opportunity national machinery. The Shadow Report<sup>17</sup> on the Italian situation ten years after the Beijing Conference states: "the transformation of an autonomous body into an Executive dependant body has cancelled the Commission's basic principle. The former Commission had a transversal and pluralistic character, interpreted women's expectations, played a role to initiate and promote gender policies and above all it was autonomous" (Shadow Report 2004 : 4). Moreover, the shadow report underlines how the gender policies promoted by Berlusconi government are completely lacking a gender mainstreaming approach.

At the end of 2006, the Equal Opportunity Minister from the Prodi government presented her project to reorganize the National Commission on Equal Opportunities. The text was approved by the Council of Ministers and has now to be examined by the Consiglio di Stato (the main legal, administrative and judiciary body in Italy).

Following an initiative by the Minister for Equal opportunities, the **Committee for women's entrepreneurship** (*Commissione per la promozione e lo sviluppo dell'imprenditoria femminile*) is established in 1992 to implement law n. 215/1992, while the Observatory on female entrepreneurship (*Osservatorio sull'imprenditorialità femminile*) is founded in 1997. The Committee is placed under the Ministry of Industry and Crafts and it is responsible for the promotion of positive actions, the guidance and the programming of the initiatives set out in the law. The Observatory on female entrepreneurship aims at monitoring the machinery (laws, initiatives, programmes) implemented by the national and local governments to promote female entrepreneurship. Moreover it can promote positive action to facilitate the establishment of new enterprises.

The institutionalization of gender issues is further developed in 1996, when the Charter of Rome (*Carta di Roma*) is signed by all Ministers for Women's Affairs of the EU at the end of the European

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<sup>17</sup> The Shadow report, in contrast with the governmental one, aims at giving a different point of view on the Italian situation. The document is promoted and firstly signed by different women associations such as: Arcidonna, Candelaria, Casa Internazionale delle donne, Caucus delle donne-comitato romano, Cooperativa Generi e Generazioni, Coordinamento italiano della Lobby europea delle donne, Paese delle donne, Associazione Zora Neale Huston.

Conference “Women for the Renewal of Politics and Society” (*Le donne per il rinnovamento della politica e della società*) (Calloni 2003).

The **Ministry for Equal Opportunities** is thus established in 1996 under the centre-leftist Prodi government<sup>18</sup>, whose work is supported by the Department for Equal Opportunities set up in 1997<sup>19</sup> ([www.pariopportunita.gov.it](http://www.pariopportunita.gov.it)). The Minister of Equal Opportunities represents the Italian position on gender issues at EU level. The relative strength of the Ministry can be understood by highlighting the fact that it has no budget assigned to it. Moreover during the Prodi’s government 1996-2001 three Ministers for Equal Opportunities changed because of the governmental instability. Thus the role of the EO Ministers was weakened and it was not possible to give continuity to their actions (Guadagnini, Donà 2007). Generally speaking, the strength of the Minister for Equal Opportunities depends on power relations with the other members of the government and on the presence of a gender culture within the government. While the centre-left governments show a certain attention – even if sometimes it can be considered as tokenism – on gender issues, the right-wing governments seem rather gender-blind. This appeared from the fact that the Minister for equal Opportunitites Stefania Prestigiacomo (Forza Italia) found herself often isolated within Berlusconi’s government when she tried to promote policies with a gender approach (Guadagnini, Donà 2007).

The first Minister for Equal Opportunities is a feminist and lawyer, Anna Finocchiaro, followed by Laura Balbo (a sociologist) and Katia Belillo (an activist of the *Partito dei Comunisti Italiani*). The cited Ministers have experience both in the parties and in the feminist movement, thus they can give feminists (also the theorists of difference) the opportunities to enter the institutional scene, becoming officers and taking part in different projects. Nevertheless, many feminists decide not to contribute to the institutional policies and the tensions among institutional equal opportunities machineries and a multifaceted feminist movement are always there, sometimes being constructive and many times simply marks of fragmentation in women’s activism (Calloni 2003). Many scholars have stressed this feature of separation: both between the institutional machinery and gender studies at the academic level, and between these groups and the grassroots movement (Donà 2006, Calloni 2003). The various bodies and parts of the Gender Equality Machinery are most of the time acting separately from each other with a lack of coordination (Donà 2006).

In 2001 Berlusconi’s coalition (centre-right) wins the election and appoints Stefania Prestigiacomo as Minister for Equal opportunities, while in 2006 under the Prodi government the new centre-leftist Minister is Barbara Pollastrini, former coordinator of the women’s movement within the Party Democratici di Sinistra.

During the ‘90s, elected women in Regional, Provincial and Municipal Councils promote amendments in their Administrative and Local Authorities Statutes to establish **Commissions for Equal Opportunities at the local Level**. These commissions are composed only by women representing women’s associations and NGOs and are mainly nominated by the local councils even if trade unionists and women from employers’ organizations are members by right. They have

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<sup>18</sup> The establishment of the Ministry follows the provisions deriving from the Platform for Action passed by the UN fourth World conference on Women (Beijing, 1995) and the pressure put by the EU to implement gender mainstreaming. The mainstreaming approach is further implemented after the Treaty of Amsterdam (1999) with the approval of the guidelines to evaluate the impact on gender equality in the operational planning (VISPO method) (Donà 2006).

<sup>19</sup> The Department for Equal Opportunities in 2004 received € 15,798,569 (Guadagnini, Donà 2007 : 234).

anyway very limited institutional competences (research, raising awareness, and nothing more than an advisory role towards the local governments) and resources.

Regarding the field of **employment**, since 1987 and then 1991, **Equal Opportunities Committees** exist at various governmental levels created mainly under the impulse of Law n° 125/1991 and then integrated into national collective labour contracts since 1998.<sup>20</sup> They are composed by workers representatives of public administrations at the managerial level and others appointed by trade unions. The Committees' task is to promote gender equality within working organizations and to design positive action plans and programs to fight vertical and horizontal segregation and to promote work life balance. Moreover, they gather data and information, and organize initiatives and proposals to promote equal opportunities and parity as regards working conditions and career development. They have been set up mainly within Local Authorities, Universities, the Health Sector and Public-Private companies.

The regional commissions vary a lot in their functions and membership, but generally speaking all of them promote affirmative action and function as consultative bodies for regional laws and acts.

The administrative decentralization that took place especially during the nineties, allows the development of some **local state feminism particularly in the regions** marked by a left-wing political tradition, such as Tuscany and Emilia Romagna. In Florence, for example, local institutions such as the Women project (*Progetto Donna*), the Women Council (*Consiglio delle donne*) and the Committee on Equal Opportunities (*Comitato pari opportunità*) "have involved women's organizations side-by-side with women's elected representatives in the various institutions (Della Porta 2003: 63).

The latest institutional structure that was established in 2003 (Decree n. 215/2003) within the Department for Equal Opportunities is the **UNAR (Italian National Office Against Racial Discrimination)**, which was created to comply with the EU anti-discrimination Directive 43/2000/EC. The UNAR functions as facilitator in cases of legal action involving victims of discrimination. It can promote autonomous inquiry, helps private and public bodies adopting positive actions, and it organizes training or research.

The office created a national register of NGOs committed to the fight against discrimination and set up a toll free number to denounce discrimination cases. It is also working to sign agreements with Trade Unions and employers' organizations to promote the value of "cultural diversity". Even if it was not promoted by antiracist NGOs and it is clearly a Governmental initiative based on the European directive, UNAR has been welcomed by civil society organizations working to fight against racism<sup>21</sup>. According to the same legislative decree, a "Control Bureau to guarantee parity and to remove discriminations based on race or ethnic origins" is created within the Department for Equal Opportunities. This Office is directed by a person nominated by the Prime Minister or a delegated Minister. Even if it is part of the same organizational structure within Equal Opportunities issues, until now it apparently has not explicitly "mainstreamed" gender within its own activities.

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<sup>20</sup> Even if they are mentioned for the first time in the Presidential Decree n°268/1987.

<sup>21</sup> Enar Italia (European Network Against Racism) leaflet: <http://digilander.libero.it/enarit/>

Another landmark for intersectionality in Gender Equality Legislation and Institutional Machinery is **Article 18 of the Law on migration** (Law n° 286, 1998). It refers to the victims of trafficking and it traces strategies for intervention in helping and supporting them to escape their perpetrators, and to find a job and accommodation. The decree that implements the Law establishes the creation of a dedicated structure within the Department for Equal Opportunity: an interministerial commission on the implementation of art. 18 (Commissione interministeriale per l'attuazione dell'articolo 18 del testo unico sull'immigrazione). The commission has the task of controlling and programming the use of resources provided through the art. 18 itself and allocated for supporting programs for the victims of trafficking. It is composed of a representative from each of the following Ministries: Justice, Labour, for Internal Affairs, and Equal Opportunities. The representative of the Ministry for Equal Opportunities takes the chair of the Commission.

Most recently, after the approval of the law against genital mutilation (Law. N°7/2006), a **Commission for preventing and tackling female genital mutilations** has been set up within the Equal Opportunities' Department.

### **Gender Budgeting and other mainstreaming tools**

Gender budgeting has not been implemented at the national level yet. In contrast, it has received a lot of attention from regional and municipal government in recent years. The most interesting practices have been developed by the Province of Genova (2003-2004) and the Province of Modena<sup>22</sup> (2004-2005). In the first case, research has been produced on local women's needs and an analysis of public expenditures has been carried out through gender sensitive indicators. The second case has been limited to Gender Auditing with a methodology inspired by the human capabilities approach (Amartya Sen/Martha Nussbaum) and an analysis of the time use of women and men. A national network among various local authorities involved in the implementation of gender budgeting has been created ([www.genderbudget.it](http://www.genderbudget.it)). G. B. has been a different and new way to raise attention again on gender equality issues and to communicate to public administration officers and a wider audience through a new language focusing on resources (money and/or time) and in a mainstreaming perspective. At the moment, the National Union of Italian Provinces (UPI)- through its Elected Women Council (*Consulta delle Elette*)- is strongly supporting gender budgeting as an innovative tool through recommendations to the Ministry for Equal Opportunities and with the intention of promoting a national law on it<sup>23</sup>.

### **Gender mainstreaming in Structural Funds and National/Regional Objectives' Plans<sup>24</sup>**

While programming the use of Structural Funds for the period 2000-2006, the national authority for ESF Management, i.e. the Ministry for Labour, decides to dedicate an entire programming 'measure' to systemic actions for equal opportunities and gender mainstreaming and to delegate the Department for Equal Opportunities for its implementation. Given the autonomy of Regions as

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<sup>22</sup> Fiume, Mirella. 2006. *Oltre le pari opportunità, verso lo sviluppo umano. Il bilancio di genere nella Provincia di Modena*. Franco Angeli. Milano.

<sup>23</sup> **Relazione del Gruppo di lavoro sul Gender Budgeting**, Seconda Assemblea nazionale delle elette e delle amministratrici, Unione Province Italiane Milano 16-17 ottobre 2006 ([www.genderbudget.it](http://www.genderbudget.it), accessed on May 31st 2007)

<sup>24</sup> ISFOL, 2004. *Indirizzi operativi per l'attuazione delle linee guida VISPO*, Rubbettino: Soneria Mannelli (Catanzaro).

local agencies for structural funds use, the E. O. department's role<sup>25</sup> has been to set up support actions and tools, together with guidelines to local authorities. The general goals have been to mainstream gender equality in development processes through National and Regional Objectives' Plans, fostering women's employment, women's access to training and labour market, improving the quality of women's work and redistributing care work, and promoting women's entrepreneurship. Specific actions and tools have been developed through the years:

- ✓ VISPO guidelines (Strategic Impact Evaluation of Equal Opportunities, *Valutazione Impatto Strategico Pari Opportunità*) have been produced and proposed to regional authorities, and monitored and implemented, as tools for a gender auditing of regional policies. They contain gendered indicators to be integrated in the selection of calls for proposals and projects as well as indicators for context analysis and intermediate evaluation.
- ✓ Gender Statistics: a specific module has been introduced into the survey on Time –Use carried out by ISTAT (the National Institute for Statistics) and a set of indicators for labour market analysis has been created. Moreover, a research project on Sexual Harassment, Gendered and Domestic Violence has been started: the results have been presented in 2007.
- ✓ Rete Pari Opportunità: Equal Opportunities Network. A network has been established through interregional meetings and exchanges in order to improve the circulation of information, knowledge and good practices through a dedicated website (<http://www.retepariopportunita.it/>), today integrated within the Department's website.
- ✓ Research aimed at proposing models to Regions on issues such as the substitution of women entrepreneurs under parental leave or work life balance vouchers to be guaranteed to women attending training courses.

The ways the Regions have implemented these mainstreaming inputs have been quite different; most of the tools and policies were intended for Objective 3 Regions but some Objective 1 territories (like Campania) succeeded in implementing some measures. Some of the most interesting and valuable results have been achieved by the Regions of Piemonte, Lombardia, and Trentino Alto Adige.

## General sources<sup>26</sup>

### 1997

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<http://www.camera.it/dati/leg13/lavori/stenografici/sed163/s000r.htm>, (33 pp.)

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<http://www.camera.it/dati/leg13/lavori/stenografici/sed163/s100r.htm> (8 pp.)

<http://www.camera.it/dati/leg13/lavori/stenografici/sed163/s130r.htm> (12 pp) e-text

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<sup>25</sup> The national department has been supported by ISFOL a Technical National Agency working at an inter-ministerial level.

<sup>26</sup> Generally speaking, for the Italian case it has been very difficult to find parliamentary debates. The web site of the Parliament is not very well organized and systematized; moreover the debates that took place between before May 1996 are not available in electronic format. We are going to receive some of them by ordinary mail.

**Primary source** National Directive 27<sup>th</sup> March (Prime Minister Prodi and the Minister for Equal Opportunities Anna Finocchiaro) “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” (Actions aimed at promoting assignments of powers and responsibilities to women, at acknowledging and guaranteeing women and men freedom of choice and social quality”, 6 pp.,

[http://www.provincia.pistoia.it/CONSIGLIEREPARITA/FinestrasullaParita/Normativa/9\\_DirettivaProdiFinocchiaroDPCMdel27marzo1997.pdf](http://www.provincia.pistoia.it/CONSIGLIEREPARITA/FinestrasullaParita/Normativa/9_DirettivaProdiFinocchiaroDPCMdel27marzo1997.pdf), e-text.

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**Primary source:** Ministry for Equal Opportunities, 2007, Piano Nazionale per l’anno Europeo 2007. Strategie e priorità (National Plan for the European Year 2007, Strategies and Priorities), pp. 24,

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## **2. NON-EMPLOYMENT**

### **2.1 Introduction**

The main sub-issues and 'sub-sub-issues' identified in Italy for non-employment are the following:

- 1. Sub-issue Reconciliation of work and family life**
  - a. Reconciliation of work-life
    - i. City times
    - ii. Parental leaves
    - iii. Flexibility and job precariousness
- 2. Care work and informal work**
  - a. Domestic work with migration implications
- 3. Tax-benefit policies**
  - a. Retirement age for women in pension reform policies
  - b. Means-tested benefits and allowances
- 4. Access to labour market**
  - a. Night work for women

Debates on non employment in Italy between 1995 and 2007 have been focused primarily on sub issues like the 'reconciliation of work and family life', and 'care and domestic work', especially if we think of those debates which have had an explicitly gendered approach. Among the sub-issues we decided not to include are 'equal pay' because, although the wage-gap is still around 24% (Guadagnini, Donà 2007), it does not currently constitute a debate. It used to be considerably discussed by feminist trade unionists during the seventies but it slowly disappeared from the public sphere. From the seventies onwards 'equal pay' has shifted to 'reconciliation' and, to a lesser extent, to 'access to the labour market' and 'female entrepreneurship'.

The hottest issue is the 'reconciliation of work and family life. We noticed in policy debates the same prevalence of the issue of reconciliation of work and family life that we found in the academic literature investigated for the State of the Art review. Probably due to many factors like the Mediterranean features of the Italian welfare state and a national culture emphasizing women's role as mothers and care givers, the '90s represent the years when the chronic lack of services for children and elderly people explodes as a real problem. Under the increase of women's employment rates (particularly in Northern Italy) and the pressure of EU policies and the Lisbon Strategy goals, work-life reconciliation becomes a problem to be solved to support women's access to the labour market. The debate starts in the second half of the '90s with the initiative of women MPs and feminist networks and it is strongly linked to the issue of working time reduction. Over this period, many bills have been proposed to Parliament particularly by MPs from the post communist Party (DS, Democratici di Sinistra) and the new communist one (Rifondazione Comunista). State feminists are supporting this political initiative and organize debates and public

initiatives around them. Central to the debate is the impulse that women's experience in time management can result in policies for a more human life for everybody (time to care and time for continuous education, urban time planning). The main trade unions are also supportive of women's proposals (having strong class oriented marks), while employers' organizations fight against what is considered as a loss of 'productive time' in favour of reproduction. Around the end of the century the debate on work life reconciliation is definitely much more intertwined with the one on labour market reforms. It will take time to gain a gendered perspective on precarious and flexible jobs and, with an initial confusion between the two concepts, part time work and new unstable forms of contracts are identified as work life reconciliation measures which can particularly fit women's needs. Berlusconi's government in particular will be criticized by women for the strict equation between work life balance solutions and unstable work contracts like job sharing or job rotation and for having pushed for the development of private children care services. Contrasting interests of trade unions and employers' organizations have shaped this debate; the first defends workers' rights but show some difficulties in involving and representing the changes within workforces themselves and keeping a much closer relation with the traditional working class made up of subordinate employed with open ended contracts than with the new 'young' flexible and precarious workers. Policies over the years focus on parental leave and encourage women to re-enter the labour market after periods dedicated to care work but also focus on issues such as part time work and flexible jobs, and of course the lack of kindergartens.

Domestic and care work is a debate that is less hot than reconciliation but it is interesting as it shows some intersection of gender with inequalities of ethnicity and class. Women's and feminist NGO's often linked with antisystemic movements and in 2002-05 the Social Forum highlight the numerous connections between welfare state service gaps and migration policies which give temporary status for migrant women to enter the country as domestic and care workers and leave them unprotected in the black market economy.

The debate on women's night work (which can be put in the QUING category "access to labour market") has a minor relevance in relation to the other issues, but it is important to understand the protectionist attitude towards women that is typical of Italian policies. This attitude is shared by Italian trade unions, contrasting with EU policies which are much more oriented to an equal treatment approach.

Within the QUING category of Tax-benefit policies we find two main debates. One is the debate on the retirement age for women, which is part of an important political debate on pension reform. This debate appears to have been less gendered than the issue of reconciliation of work and family life, but has important implications for women as regards their definition as legitimately employed or non employed. The issues of elderly women's poverty and lower pensions for women have been being debated in the academic world since the late '90s. In 2004, a survey on Women and Pensions was carried out by CNEL, one of the most important institutions supporting governments in shaping labour policies. Only recently, and again under EU pressure, the debate on a different retirement age for women has entered the political agenda with a lot of emphasis from the media as well. Here, the first to result in scandal about this has been the MP Emma Bonino (Radical Party), traditionally at the forefront of women's rights, stating that Italian policies should stop playing a protectionist role in relation to women. In the category of "Tax benefit Policies, another

continuous debate is on means-testing of families' wealth in order to have access to welfare state's services and cash contributions (which has an impact on women; discouraging them to work and so promoting non employment). Even if many feminist economists have raised this issue with a gendered analysis of means testing and have made interesting proposals around the end of the '90s, a gendered approach has not become part of the public and political debate on this sub issue, as far as we could discover in our research.

The time span which QUING is taking into consideration is characterized by substantial changes in the labour market, employment and welfare reforms and strong social conflicts which could be worth underlining for a more precise understanding of the issue of non employment. Neoliberal globalization processes are at the height of their development, making the labour market more and more unstable and subject to global competition, while workers' rights based on old working patterns are deconstructed in the name of flexibility. In Italy, after some years of unstable and not so effective centre left governments (1996-2001), the Berlusconi era (2001-2005) has come, corresponding to a renewed energy by social movements mainly within the context of world-wide anti-globalization movements and Social Forums. Social conflict reached its highest peaks in the Anti G8 meeting in Genoa in 2001, with its tragic epilogues and a strong repression by public order forces, with the general strike and national protest in Rome in April 2002, and with the European Social Forum meeting in Florence in 2003. The resurgence of radical terrorist groups like the Red Brigades (Brigate Rosse) and the murder of two prominent Government consultants on labour policies (Massimo D'Antona, Rome, May 1999 and Marco Biagi, March 2002) who were working on the reform of national labour, also deeply shaped the national debate on the issues. The lack of women's representation and leadership within the social forum in spite of their massive participation has been denounced by many feminists as a sign of persistent chauvinism that continues to characterize even radical left groups<sup>27</sup>. Feminist movements and women's NGOs have been active mainly by participating in national and European Social Forum (here the focus has been women's work and unstable jobs) and the World Women's March, and by promoting and contributing to the Shadow Report criticizing the government on the occasion of CEDAW's review of national policies in 2002.

## **2.2 Actors**

The main actors in the debate on the institutional side are: National Parliament and its thematic Commission IX (for Labour Issues), National Government and its structures, namely the Ministry for Labour Issues, integrated in 2002 with the Ministry for Welfare. Even if more in depth research should have been carried out in order to definitely prove this, it seems that neither Committee for Equal Opportunities within the Ministry itself nor the National Commission for Equal Opportunities have played a crucial role in the public debate in spite of their continuous interaction with ministries and governments; being structured as very wide assemblies with representatives from trade unions and employers' organisations, parties and women's NGO's, makes it quite difficult to come to shared positions and agree documents on such a delicate and politicised issue as non employment. State feminists have contributed to the debate through continuous work of raising

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<sup>27</sup> Melchiori, Paola. (2002). Firenze e il femminismo che non c'era. Il Manifesto, 5 Dicembre 2002.

awareness, especially at the regional- local level, focusing on sub-issues like reconciliation, women's access to the labour market and promoting women's resources and competences.

On the side of civil society, the main actors are: trade unions, in Italy the 3 main unions which make part of a national federation are CGIL, CISL and UIL. The first is the most leftist one, and was the first post fascist union in Italy; CISL was born as centre-oriented, the catholic section of CGIL, in 1950; while the smaller UIL represents the socialist section that parted in the same year. UGL is the most right oriented union, allied since its formation with the post fascist party, MSI (later AN, Alleanza Nazionale). There are also so called "grassroots unions" (sindacati di base) like Cobas and RSB that were created in the 1980s contesting the institutionalisation of CGIL and its increasing tendency toward compromise. Trade unions do not have dedicated gender equality units within their structures in general, the union statutes include specific norms for establishing informal women's networks and to guarantee equal representation; the most common solution is to formally delegate the Secretary General himself (almost always a man) on equal opportunities while a woman, as coordinator of a women's network within the organization, supports him. On the opposite side are the employers' organizations, with employers organized along sectors and political orientation in many associations. Among them, the most important one is Confindustria (federation of industrial employers) together with Confcommercio and API (respectively representing commerce and small enterprises).

Women's and feminist movements also played some role in the debates on non-employment. In particular, women within trade unions have participated in some debates such as the ones on pensions for housewives with women's NGOs (housewives' groups such as Federcasalinghe and Movimento Italiano Casalinghe). Feminist scholars and gender experts have participated by making proposals on times for reconciling work and family life, on how to find more balanced and gender sensitive ways to assess families' status taking into account domestic and care work, and by writing reports on issues of reconciliation and job precariousness. Feminist movements, often from within or networking with social movements / European Social Forum, have been quite active on the issue of domestic care work and its intersection with ethnicity and class (migrant women are the main domestic and care workers in Italy) and on the issue of women and precariousness of jobs.

## **2.3 Timeline**

### **Before 1995**

#### **Sub-issue: access to labour market and employment**

In 1991 a law on positive actions (n. 125/1991)<sup>28</sup> for equal opportunities at work is enacted. It represents a shift because it introduces the concept of positive actions<sup>29</sup> in a policy context characterised by its main focus on women (as mothers) workers' protection. It is an effect of the

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<sup>28</sup> Law n. 125/1991 "Positive actions for achieving parity between men and women at work" (*"Azioni positive per la realizzazione dell'uguaglianza tra uomini e donne nel lavoro"*), to be found at the webpage: [http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Donne\\_e\\_lavoro/L\\_num125\\_10\\_04\\_91\\_art11.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Donne_e_lavoro/L_num125_10_04_91_art11.pdf) (Italian).

<sup>29</sup> Positive actions can regard: training, recruitment, promotion and mobility.

EU Recommendation on the Promotion of Positive Action (84/635); it was promoted in Parliament by a female Christian Democratic MP, Tina Anselmi.

Positive actions are conceived as measures for “removing obstacles which factually prevent the realization of equal opportunities” (Art. 1). This interpretation for “positive actions” is fairly broad but it is known that the implementation of the Law never sought to conceive them as quotas but rather as various supporting interventions, from specific training courses to measures aimed at organizational change and/or preventive actions to combat horizontal segregation. One of the reasons is that it soon became clear how the orientation of the Italian Constitutional Court was against quotas, as showed by some of its sentences (e.g. n°422, 6-12 September 1995) which have been largely discussed in the Italian juridical debate. Art. 4 refers to the notion of indirect discrimination, and the burden of proof is shifted to the employer, who has to demonstrate that no discrimination has occurred.

By this Law the National Committee for Equal Opportunities is set up within the Ministry for Labour with the task of monitoring the law’s implementation. Law n°125 is financed through an annual budget and a call for proposals is made where the applicants may include employers, enterprises, trade unions and Vocational Training Centres.

Art. 3 has been amended in the year 2000 through Legislative Decree n° 196/2000 “Regulation of Equality Ombudswomen’s and Ombudsmen’s activity and provisions about the issue of positive actions, according to Law 17th May 1999, n° 144” (*Disciplina dell’attività delle consigliere e dei consiglieri di parità e disposizioni in materia di azioni positive, a norma dell’articolo 47 della legge 17 maggio 1999, n°144*).

Regarding positive actions for women entrepreneurs, many legislative initiatives are taken over the course of the following years. The most relevant are: Law n. 215/1992 "Positive actions to promote female entrepreneurship" (*Azioni positive per l'imprenditoria femminile*), Presidential Decree n. 314/2000 that simplifies the procedure to apply for funding for female entrepreneurship, and Minister Decree 15th March 2001 which regulates the procedures to submit, evaluate and finance positive action projects (*Disciplina delle modalità di presentazione, valutazione e finanziamento dei progetti di azione positiva per la parità uomo-donna nel lavoro di cui alla legge 10 aprile 1991, n. 125*).

### **Sub-issue Reconciliation of work and family life**

From the end of the Seventies onward the debate on work life balance starts to be developed among state feminists, scholars, and women in trade unions. The first reflections are those proposed in 1978 by Laura Balbo (at the time she was Professor at University of Milano, director of GRiFF) around the concepts of women’s “double presence”. The debate led to a common proposal<sup>30</sup> by women from the Communist Party (PCI) proposed in 1990 by MP Livia Turco called “Working hours, life’s seasons and urban times” (*Orari di lavoro, stagioni della vita, tempi delle città*) claiming for all citizens, men and women, the right to self government of time, the right to free expression in various existential dimensions (work, care, free time, training, relational and emotional life), overcoming the sexual division of labour and a redistribution of care work among men and women.

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<sup>30</sup> Proposta di legge di iniziativa popolare "Le Donne Cambiano i Tempi" Una legge per rendere più umani i tempi del lavoro, gli orari della città, il ritmo della vita" (*Citizens' initiative's Bill "Women change times". A law to make more human working time and city time, life's rhythms*), Pubblicazioni a cura della Sezione Femminile Nazionale del PCI/1990

1995

### **Sub-issue Tax Benefit Policies**

The social security system is firstly reformed in 1995 (Dini Reform, law n. 335/1995) by a centre-leftist government. The Italian pension system has always been quite generous if compared to other European countries but it gradually becomes financially unsustainable given the increasing state debt, the growing average age of Italian citizens, birth rate reductions and changes in the labour market oriented to less stability and more and more flexibility.

In the new system the mandatory retirement age is set at 65 for both sexes, allowing retirement from age 57 with a penalty of 3% of the pension per anticipated year. The years of contribution required for seniority benefits increased to 35. Early retirement (frequently used by women) in one form or another is therefore eliminated. The reform totally changed the basic rules for granting benefits to future retirees and the calculation system shifted from an earnings based one to a contributions based one.

The Dini Reform abolishes the mandatory retirement age set at 55 for women in the private sector, which prevented the employment of older women willing to re-enter the labour force after childbearing age; before 1993, eligibility requirements were met when a male worker reached age 60 (a female worker age 55) after contributing for at least 15 years. Already at that time some feminist scholars, while appreciating the gender egalitarian measures of the reform, raised some doubts about the fact that early retired women have always been functional to the national welfare state in their role as grandmothers providing care work.

Minimum benefits are now means-tested. Until 1992, the test was based only on the claimant's income, excluding the income of the spouse. For married couples what matters now is instead the sum of incomes of both spouses, which must be less than 4 times the minimum level. With the Dini Reform a new Fund for pensions to housewives (and husbands) is introduced. Pensions will be granted to women and men of 57 years, based on a minimum 5 years contribution, and will be consistent with a reduced working activity outside the house such as a part time job.

The 1995 reform was one of the first attempts at redesigning the social security system and reducing expenditures for pension which has been strongly opposed by trade unions, especially CGIL and the grassroots unions. Women within the Unions have expressed quite differentiated opinions while trying to define common positions during a Conference held in Rome in June. Generally speaking women have welcomed the introduction of pensions for housewives as a recognition of care work, and from the feminist movement came the recommendation to extend this pension not only to women. The NGO Federcasalinghe has been particularly active in the debate (together with MOICA, Movimento Italiano Casalinghe) as one of its leaders, Federica Rossi Gasparrini, has been appointed State Secretary within the Ministry of Labour to implement this reform. The long term effects of the shift to a contribution based system is a generalized and progressive reduction of pensions and women seem to be penalized because of their more discontinuous professional lives due to care work.

**Primary Source** pension Law 8<sup>th</sup> August 1995, n°335 “Riforma del Sistema pensionistico obbligatorio e complementare” (Reform of the mandatory and additional pension system), 08/08/1995, 66 pp., [http://www.edscuola.it/archivio/norme/leggi/l335\\_95.html](http://www.edscuola.it/archivio/norme/leggi/l335_95.html), e-text

**Secondary Source** pension, article by feminist Giordano, Maria P. "Sindacato. Intervista a Betty Leone" (*Trade Unions. Interview to Betty Leone*) Dwpress. Il notiziario delle donne, 5-11/06/1995, 2 pp., <http://www.mclink.it/n/dwpress/dww3/art6.htm>, e-text.

**Secondary Source** pension, article by feminist Mauriello E. "Sindacato. Una serie di finestre sul baratro delle pensioni" (*Trade Union. Some windows over the pensions' depths*) Dwpress. Il notiziario delle donne , 3-9/07/1995, 4 pp., 16/09/1996, 5 pp., <http://www.mclink.it/n/dwpress/dww7/art4.htm>, e-text.

**1996**

### **Sub-issue Reconciliation of work and family life**

A revised version of the citizens' initiative's bill by Communist women on the politics of time (times to reconcile work and family life) is presented to the High chamber. The proposal, which will never become institutionalised, is complex and articulated, touching many aspects of individual and collective life and time managing, insisting on the right for men and women to care and to be cared for. The introductory speech is based on a critique of neoliberal models neglect of "reproductive" time and work; the philosophy of sexual difference and its focus on feminine freedom resonates along the argumentative schemes.

### **Sub-issue Tax and Benefit Policies**

Government establishes a National Insurance Fund for people doing unpaid work relating to familial responsibilities ("*Fondo di previdenza per le persone che svolgono lavori di cura non retribuiti derivanti da responsabilità familiari*").

A bill for the establishment of a monthly salary for housewives- unemployed mothers is proposed to the parliament by some christian-democratic MPs but it has not been approved.

Regarding atypical workers, a separate National Fund for the retirement contributions of temporarily employed workers is created. The compulsory payment of social security contributions for atypical workers was introduced in 1996 when a separate management fund was created within INPS fund.

The creation of this special fund allowed the consolidation, within the Italian labour market, of so called "economically dependent workers"<sup>31</sup>. Workers who are obliged to pay contributions to this fund are differentiated; the fund includes both workers who pay contributions to other compulsory social security schemes, for example professionals who work both as dependent and as autonomous and those who do not. Workers who do not have other compulsory contribution have to pay 23.5% (of which 2/3 by the employer and 1/3 by the employee), while workers who have compulsory contribution have to pay 16%. The consequences of this new system affect atypical workers in particular, and will be more long-term - seen when the workers reach retirement; for a worker with a non-standard contract who enters the labour market today, in 40 years he/she will receive a pension that amounts to 1/3 of his/her actual salary<sup>32</sup>.

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<sup>31</sup> This is a definition provided by Inps to indicate workers registered to this fund.

<sup>32</sup> On the long term consequences of the reforms see the newspaper article <http://www.filcams.cgil.it/stampa.nsf/0/ac6a033ecea64e9bc1256ff60039a7ac?OpenDocument> (Italian), a study by Nidil-Cgil (atypical workers branch within the main Italian trade union): [http://www.dirittiglobali.it/articolo.php?id\\_news=103](http://www.dirittiglobali.it/articolo.php?id_news=103) (Italian).

**Primary Source** reconciliation, Law proposal n° 345, “Ciclo di vita, orario di lavoro, tempo nella città”, Comunicato alla presidenza il 15 maggio 1996 (Senate of the Republic, Bill n° 345 “Life’s cycle, working time, city time”, text and introductory speech), 15/05/1996, 33 pp., <http://www.senato.it/japp/bgt/showdoc/showText?tipodoc=Ddlpres&leg=13&id=0000085&parse=no&toc=no#BGT1> e-text.

**Primary Source** pension, Legislative Decree n. 565/1996, “Attuazione della delega conferita dall’art. 2, comma 33, della legge 8 agosto 1995, n. 335, in materia di riordino della disciplina della gestione “Mutualita’ pensioni” di cui alla legge 5 marzo 1963, n. 389” (Implementation of law 08/08/1995, n 335, on the reorganization of the discipline on the management “Mutuality, pensions” of law 5<sup>th</sup> March 1963, n. 389), 16/09/1996, 3 pp., <http://www.camera.it/parlam/leggi/deleghe/testi/96565dl.htm>, e-text.

**Primary Source**, law proposal n. 1052, “Norme per la concessione di un assegno mensile a titolo di riconoscimento della funzione sociale ed economica del lavoro casalingo (Norms for allowing a monthly salary to recognize economic and social functions of care work), 20/05/1996, 4 pp., <http://www.camera.it/dati/leg13/lavori/stampati/sk1500/relazion/1052.htm> e-text.

## 1997

### **Sub-issue Tax and Benefit Policies**

The new Olive-Tree government made a comprehensive reform of the welfare state one of its highest priorities. In January 1997 Mr. Prodi appointed a Commission of experts to draft a broad plan for reform. An articulated report was submitted by this Commission (known as the Onofri Commission, after the name of its chairperson, a Bologna economist). The main proposals of the Onofri Commission were: 1) a much faster phasing in of the new pension formula introduced by the Dini reform of 1995); 2) a thorough reform of unemployment benefits and employment promotion schemes; 3) a further rationalisation of the incentive structure within the NHS; 4) a rationalization of social assistance through the establishment of a guaranteed minimum income scheme (already implemented through Municipal initiatives; 5) the introduction of new, more effective “selectivity” rules and procedures. After a few months of heated debate and political negotiation, the Prodi government has been able to include in the 1998 budget law at least some of the proposals recommended by the Commission – for example a further tightening of pension rules and a further streamlining of the NHS organizational framework. A number of novelties have also been introduced as regards social assistance and “selectivity” rules with the introduction of means testing based on families’ incomes and properties. Trade Unions have been at the forefront of the defence of cash transfers to families; CGIL and grassroots Unions in particular have pushed for minimum income schemes, even if with different political meanings, from temporary subsidies for unemployed people to the so called citizenship income, a concept unacceptable to some wings of the unions themselves, since it is considered as an attack to the ethic of labour.

### **Sub-issue Access to the Labour Market**

In the same year the Government approves a first Labour Market reform known as “Pacchetto Treu” (Law n. 196/1997) containing measures for liberalizing the employment services’ market, decentralizing public ones and introducing flexibility measures that, without being supported by

substantial social shock absorbers (ammortizzatori sociali), will lead to increasing precariousness. It follows the so-called "Patto per il lavoro" (Agreement on work) countersigned in autumn by Government and Trade Unions.

### **Sub-issue Work Life Reconciliation**

1997 is also the year when Law n° 285 is approved, aimed at reinforcing the child care system through new resources allocated for setting up kindergartens.

**Primary Source** "La relazione conclusiva della Commissione Onori su Previdenza, Sanità e assistenza", (Final relation of the Committee Onofri on Pension, Health and Assistance) in Prospettive assistenziali, n. 118, April-June 1997, 10 pp.,

[http://www.fondazionepromozionesociale.it/PA\\_Indice/118/118\\_la\\_relazione\\_conclusiva.htm](http://www.fondazionepromozionesociale.it/PA_Indice/118/118_la_relazione_conclusiva.htm), e-text

**Primary Source** «Commissione per l'analisi delle Compatibilità macroeconomiche della spesa sociale. Relazione Finale" (Commission for the analysis of macroeconomic compatibility of social expenses), 28/02/1997, 30 pp.

[http://www.astrid-online.it/Amministra/-Commissio/Comm-Onofri-Rel-Fin\\_28\\_02\\_1997.pdf](http://www.astrid-online.it/Amministra/-Commissio/Comm-Onofri-Rel-Fin_28_02_1997.pdf), e-text

**Primary Source** Law n. 196 "Norme in materia di promozione dell'occupazione" (Norms to promote employment), 24/06/1997, 21 pp., <http://www.parlamento.it/leggi/97196l.htm>, e-text

**Primary Source** Law n. 285/1997 "Disposizioni per la promozione di diritti e di opportunità per l'infanzia e l'adolescenza" (Dispositions to promote rights and opportunities for children and adolescence), 28/08/1997, 6 pp.,

<http://www.parlamento.it/leggi/97285l.htm>, e-text

**Primary Source** Parliamentary debate on bill n. 3238 "Disposizioni per la promozione di diritti e di opportunità per l'infanzia e l'adolescenza" (Dispositions to promote rights and opportunities for children and adolescence), Session n. 199, 26/5/1997, 17 pp (16590-16607)

[http://legislature.camera.it/chioschetto.asp?content=/\\_dati/leg13/lavori/stenografici/jvhomefr.htm](http://legislature.camera.it/chioschetto.asp?content=/_dati/leg13/lavori/stenografici/jvhomefr.htm), e-text

**Secondary Source**, academic and activist article, Fumagalli, Andrea, "Sul reddito di cittadinanza" (On citizenship income), 1997, 7 pp., <http://www.ecn.org/welfare/fumag.htm>, e-text.

## **1998**

### **Sub-issue Tax Benefit Policies**

The financial Act for the year 1998 (Law n°450/1997), pushes forward the effort to postpone retirement age, abolishing the possibility to retire at the age of 57 with 35 years of contributions, even if this possibility is still kept for women. It establishes that from January 2008 retirement will be possible only for 65 year old men, 60 year old women or for those who have been working for at least 40 years.

All these changes have been sources of social conflicts with opposition especially from the three larger trade unions (CGIL, CISL and UIL), even if at different levels according to their different

political orientation from the centre to the radical left. The unions' position tries to defend workers' rights not to postpone retirement and pension purchasing power.

Means testing of families' wealth in order to have access to welfare state services and cash contributions is introduced in 1998. The so called ISE means test based on the couple's joint income (Indicator of Economic Status) is one of the signs of how in Italy women are discouraged to work and so pushed into non employment: as some feminist scholars have explained, both cash benefits to families under a certain income threshold and fares for access to services regulated according to couple's income measurement (as it happens for the ISE mechanism) represent an indirect taxation on women's work and a way to discourage women to work. This is particularly true in a context like the Italian one where the offer of kinder garden services is so scarce and a woman with children and a partner with a low income may prefer to stay at home in order not to pay higher fees to have access to health and welfare services and not to lose cash benefits and to be entitled to lower family allowances ("assegni familiari").

Proposals made by feminists scholars to find more balanced and gender sensitive ways to assess families statuses taking into account domestic and care work have been unheard: "One could use a minimum/maximum method, i.e. to give the subsidy to each individual earner, as long as his/her income is below a certain threshold (minimum), and as long as the spouse does not earn more than a given multiple than the minimum (maximum). One could, as a further option, use a computation of extended income. To compute extended income we add to the monetary income the domestic work of the full time housekeeper, or else subtract the value of the domestic work foregone if there are no full time housekeepers in the home (Addabbo and Caiumi, 1998). A fiscal deduction below a threshold of income for the household where all the adults work, (rather than the present practice to apply a deduction for the household where one of the spouses devotes all her time to domestic production, of which more later) would also achieve the same aim" (Addis, 1999, pag.10).

"With the exception of a recent increase of benefits to single parents who are workers, the granting of family allowances (assegni) mirrors the gender relations in the family and in the society of the '50s and sixties. They would work as a means to achieve a more equitable distribution of income between rich and poor people, if most families were bi-parental, with a continuously employed man and a housekeeping woman, and if the worker were willing to redistribute his earnings fairly to his wife and children.

Besides being job-centered, the family allowances are patriarchal, in that they assume that whatever is given to the head of the family will be fairly redistributed to the wife and to the members of the family. This is often not the case. Because of this patriarchal bent, they are inadequate to manage a situation of family instability, separation and divorce. If the couple splits, the unemployed spouse of a worker has no independent right to them. In the event of family breakdown, they may accrue to the parent (the father) who has a job, even if in over 90% of the cases courts give custody to the mother" (Addis, 1999, pag.13).

Moreover, in the year 1998 through Law n° 448 for "Public finance Measures for development" a new cash benefit for non employed mothers is created, the so called "maternity cheque", based on the ISE (Indicator of Economic Status) Index and the number of children (more or less 280 Euros per month per child). The first version of the law granted this entitlement only to Italian mothers, while after the protest of associations and social movements it has been extended to immigrant

women (only those who have the unlimited permit to stay, gained after six years of regular presence or being married with /having children with Italian men).

**Primary Source** Legislative Decree n. 109, “Criteri unificati di valutazione della situazione reddituale con scala di equivalenza”, (Unified criteria for the evaluation of wealth situations with an equivalence’s scale), 31/03/1998, 5 pp.,  
<http://www.camera.it/parlam/leggi/deleghe/testi/98109dl.htm>, e-text

**Primary Source** Bill n. 5292 “Concessione dell’indennità di maternità alle casalinghe, alle studentesse e alle disoccupate”, (Allowing presented maternity benefits to housewives, students and unemployed women). Bill’s text and introductory speech 08/10/1998, 4 pp.,  
[http://english.camera.it/\\_dati/leg13/lavori/stampati/sk5500/frontesp/5292.htm](http://english.camera.it/_dati/leg13/lavori/stampati/sk5500/frontesp/5292.htm), e-text

**Primary Source** Parliamentary audition “Proposta di legge in materia di vita e congedi parentali”. Audizione del 9 luglio 1998 Camera dei Deputati Commissione Lavoro. Employers’ organisation report on the Law on parental leaves 09/07/1998, 11 pp.,  
<http://www.confindustria.it/comunica/Audpar.nsf/4409abb19712e12680256515004e9da0/de85a4875094940bc125679300557468?OpenDocument>, e-text

**Primary Source** Maternity cheques, Law n°448/1998 “Misure di finanza pubblica per la stabilizzazione e lo sviluppo” (Public finance measures for stabilization and development), art. 66, 23/12/1998, 2 pp., <http://www.camera.it/parlam/leggi/98448l.htm> e-text

**Primary Source** Legislative Decree n. 237/98, “Disciplina dell’introduzione in via sperimentale, in talune aree, dell’istituto del reddito minimo di inserimento, a norma dell’articolo 59, commi 47 e 48, della legge 27 dicembre 1997, n. 449” (Discipline on the experimental introduction, in some areas, of the minimum integration income, according to article n. 59, paragraphs 47 and 48, of law 27 December 1997, n. 449), 18/06/1998, 10 pp, <http://www.parlamento.it/leggi/deleghe/98237dl.htm>, e-text

**Secondary source**, academic and feminist article, Addabbo, T., A. Caiumi (1998), “Extended Income and Inequality by Gender in Italy”, 25th General Conference of IARIW, Cambridge, England, 23-29/18/1998, 40 pp.

## 1999

### Sub-issue Reconciliation

During the ‘90s the Parliament, through the Commission n° XI on Labour issues discussed many bills (17) which were unified in a common text in 1999 (Ddl n. 4624), under the D’Alema Government, when the Minister of Equal Opportunities was Laura Balbo herself. A strong impulse has come from the need to transpose EU directive 96/34. Main actors in the debate from civil society have been women’s politicians, feminists, trade unions, especially women’s networks within them, and employers’ organizations.

The parliamentary debate on the bill was deeply influenced by communist women’s law proposal on working hour reductions (Calafà, 2001; see also Parliamentary Debate, Session n. 548,

3/6/1999); the expansion of parental leaves is meaningfully seen (and criticized) by employers' organizations as "a multiplication and/or subjective extension of existing protection mechanisms aimed at guaranteeing (...) more time to workers, time taken from productive work. In this case we would witness in the next few years a sensible reduction of working life (...)"<sup>33</sup>. They have proposed a completely flexible model without any or short compulsory leave, referring to other EU states and defining rigid legislation as inconsistent with changes in the new labour market.

On the opposite, the three main Trade Unions welcomed the new law as a significant step ahead relative to previous legislation and as one of the most advanced examples in Italy and worldwide, combining the principle of protecting maternity and its "social value" through a compulsory 5 months leave reserved to mothers and a more equal sharing of care responsibilities among men and women through optional parental leaves. Some criticism has been raised by trade unions about the exclusion of domestic workers and workers at home from the extension of optional parental leaves, or about the feasibility of the implementation of the mechanisms for Urban Planning coordination.

#### **Sub-issue Equal treatment/Access to Labour market:**

Law n° 532/1999 on pregnant workers and night work amends the total prohibition of women mothers established through Law n° 903/1977. It is a result of transposition of European Legislation (Directive 76/207, art. 5) after the sentence of European Court of Justice blaming Italy for not respecting the equal treatment principle<sup>34</sup>.

"Legge-delega 5 february 1999, n. 25", with its art. 17 modifies art. 5 of Law 903/1977 maintaining prohibition of night work only for pregnant women and mothers of children up to 1 year old; guaranteeing the possibility to choose to mothers of children up to 3 years old or to their cohabiting partners/fathers; to single parents of children up to 12 years old or to mothers or fathers responsible for disabled children. Parliamentary debates on the issue show how this matter has been intertwined in the wider discussion on working time reduction and flexibility.

**Primary Source** parliamentary debate "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" "Regulations to support maternity and paternity, the right to care and training and urban planning coordination", Session n. 548, 3/6/1999, 20 pp.,

<http://www.camera.it/dati/leg13/lavori/stenografici/sed548/s050r.htm>, e-text

**Primary Source** parliamentary debate, Seguito della discussione del disegno di legge: S. 3234 - Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee - legge comunitaria 1998 (approvato dal Senato) (5459) Italian Parliament, Low Chamber. Following of the discussion on Bill S. 3234 Regulation to accomplish duties coming from being part of EU, 29/01/1999, 4 pp.,

<http://www.camera.it/dati/leg13/lavori/stenografici/sed471/s590.htm>, e-text

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<sup>33</sup> (Translation by M. Sangiuliano). Proposta di legge in materia di vita e congedi parentali. Audizione del 9 luglio 1998 Camera dei Deputati Commissione Lavoro.

<http://www.confindustria.it/comunica/Audpar.nsf/4409abb19712e12680256515004e9da0/de85a4875094940bc125679300557468?OpenDocument>

<sup>34</sup> CGCE, 4 dicembre 1997, C-207/96, *Commissione delle Comunità europee c. Repubblica Italiana*.

**Primary source** Legislative decree n. 532 "Disposizioni in materia di lavoro notturno, a norma dell'articolo 17, comma 2, della legge 5 febbraio 1999, n. 25" (Dispositions on night work, following article 17, paragraph 2, law 5th february 1999, n. 25), 26/11/1999, 4 pp., <http://www.camera.it/parlam/leggi/deleghe/testi/99532dl.htm>, e-text

**Secondary Source** article by EIRO (European Industrial Relations Observatory) "Il dibattito sulla "staffetta" fra lavoratori prossimi alla pensione e nuovi assunti" (The debate on the "changeover" between workers close to pension and just hired ones), 1999, 3 pp., [www.eurofound.europa.eu/eiro/1999/04/word/it9904245fit.doc](http://www.eurofound.europa.eu/eiro/1999/04/word/it9904245fit.doc), e-text

**Secondary Source** Convenzione sulla protezione della maternità n° 103/52 (Convention on the protection of maternity), raccomandazione n°95/52. *Osservazioni di CGIL, CISL, UIL al IV rapporto OIL*, (Remarks by CGIL, CISL, UIL [trade unions] to the IV OIL report), 5/11/1999, 5 pp., [http://www.uil.it/pari\\_opportunit%C3%A0/archivio/maternit%C3%A0.htm](http://www.uil.it/pari_opportunit%C3%A0/archivio/maternit%C3%A0.htm), e-text

**Secondary Source**, academic and feminist article, Addis, Elisabetta "Gender in the Welfare State Reforms", Paper presented at the FORUM FELLOW, 1998/99 "Recasting the European Welfare States". European University Institute San Domenico di Fiesole, 1999, 25 pp.

## 2000

### Sub-issue work life conciliation

The main legislation on reconciliation that is approved in Italy in the period studied includes Law 53/2000, and Legislative decree n. 151 (Testo Unico in materia di tutela e sostegno della maternità e della paternità). These laws promote a new culture of gender roles within and outside the family and aim at reaching a new work-life balance. The main achievements of these two laws are the following:

- They establish parental (and not just maternal) leave and extension of support to parents with disabled and adopted children;
- They introduce measures to support working time flexibility in workers' favour with the cooperation of enterprises and the unions;
- They promote the coordination of city times
- They promote the use of time for social solidarity aims, for training and courses.

The culture of protecting women as mothers and maternity is kept together with a new attempt to redefine women's and men's roles in children's care through the fundamental distinction of maternity leave from parental leave: the first is a compulsory right/duty not to work for 5 months before/after childbirth (80% of the salary) while the second entitlement is for mothers and fathers for 6 months each until the child is 8 years old (with one more month recognized if the father uses more than 3 months and 30% of the salary).

A debate on **part time** is on the agenda between the years 1999 and 2000 even if it seems not to be focused on work life reconciliation. Minister for Labour Antonio Bassolino promotes implementation of Art. 13 of "pacchetto Treu" on working time reduction through tax relief to enterprises which hire young workers on a part time basis. Part time is mainly seen as a way to promote young people's employment.

### **Sub-issue Tax and Benefit policies**

Law n. 328/2000 (Outline law to achieve an integrated system of interventions and social services, *Legge quadro per la realizzazione del sistema integrato di interventi e servizi sociali*) reforming social welfare is important because art. 3 of the law introduced a gender impact evaluation of social policies. In general terms the law aims at reforming the social services giving a central role to the municipalities, non profit organizations and the family. The concept of subsidiarity is introduced; it gives a central role to intermediate bodies in the implementation of social policies and sees State intervention only as a last resort. The first body to be activated in the new home based services (servizi domiciliari) is the family, namely women. It has been considered as a crucial step in welfare state cuts or as a potentially women friendly law for its orientation to horizontal and local dimensions and to personalization rather than standardization of services. In more recent years (2005), a National Observatory has been created by the National Association of Municipalities, Trade Unions and Cooperatives' Leagues in order to monitor the implementation of the Law itself.

**Primary Source** Law n°53/2000 "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" (Provisions for supporting motherhood and fatherhood, for the rights on care and on Training Leaves and to coordinate the city times), 08/03/2000, 12 pp.,  
<http://www.parlamento.it/parlam/leggi/00053l.htm>, e-text

**Primary Source** Legislative Decree n. 61/2000 "Attuazione della direttiva 97/81/CE relativa all'accordo-quadro sul lavoro a tempo parziale concluso dall'UNICE, dal CEEP e dalla CES" (Transposition of Directive 97/81/CE on part time agreement signed by UNICE, CEEP and CES), 25/02/2000, 8 pp., <http://www.parlamento.it/leggi/deleghe/00061dl.htm>, e-text

**Primary Source** Law n. 328 "Legge quadro per la realizzazione del sistema integrato di interventi e servizi sociali" (Outline Law to implement an integrated system of social services and interventions), 08/11/2000, 23 pp., <http://www.senato.it/parlam/leggi/00328l.htm>, e-text

**Primary Source** Presidential Decree n. 314/2000 "Regolamento per la semplificazione del procedimento recante la disciplina del procedimento relative agli interventi a favore dell'imprenditoria femminile" (Regulations to simplify the procedure to apply for funding for female entrepreneurship), 28/07/2000, 22 pp.,  
[http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Donne\\_e\\_Lavoro/DPR\\_num314\\_28\\_07\\_00.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Donne_e_Lavoro/DPR_num314_28_07_00.pdf), e-text

**Secondary Source** article by unknown "La legge sui servizi sociali - legge n.328/2000 - è iniqua e truffaldina" (Law on social services – law n. 328/2000 – is unequal and fraudulent" in Prospettive assistenziali - N. 132, October-December 2000, 11 pp.,  
<http://www.fondazionepromozionesociale.it/Truffaldina328.htm>, e-text

**Secondary Source** Presentation of the National Observatory on law 328/2000 promoted by Anci, Cgil, Cisl, Uil, Forum del Terzo Settore, Legautonomie ed Upi, 27/09/2006 5 pp.,  
<http://www.forumterzosettore.it/documenti/documenti.asp?ID=78>, e-text

## 2001

### Sub-issue Work Life Reconciliation

In the year 2001 Legislative Decree n°151 has unified all pieces of legislation on the protection of maternity and parental leave, introducing a specific paragraph on so called “non standard jobs”. In more recent years, after the Labour Market Reform (Law n° 30, 2003) some limits and contradictions have been stressed by experts and social/feminist movements especially in relation to new flexible/unstable jobs introduced by the reform itself. Some kinds of contracts are not included in the text or inconsistently treated by the law (interim-provisional contracts, job sharing, but also autonomous workers and professionals) and this has resulted in discrimination against precarious women workers.

**Primary Source** Legislative decree 151/2001 "Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità, a norma dell'articolo 15 della legge 8 marzo 2000, n. 53" (Comprehensive law on legislative dispositions regarding the protection and the sustaining of maternity and paternity leave, according to article 15, law 8th March 2000, n. 53), 26/04/2001, 35 pp.,

<http://www.parlamento.it/leggi/deleghe/01151dl.htm>, e-text

**Primary Source** Ministero del Lavoro e delle Politiche Sociali (Ministry for labour and social policies), “Libro Bianco sul mercato del lavoro in Italia. Proposte per una società attiva ed un lavoro di qualità” (“White book on labour market in Italy. Proposals for an active society and quality work”, October 2001, 103 pp.,

[http://www.uil.it/politiche\\_lavoro/librobianco.pdf](http://www.uil.it/politiche_lavoro/librobianco.pdf), e-text

**Secondary Source** article by feminist Calafà, Laura “Art. 9 L.53 del 2000. La conciliazione tra incentivi e azioni positive” (Art. 9, Law 53/2000. Conciliation between incentive and positive actions) in *Diritto del Lavoro on Line*, 25/06/2001, 30 pp., e-text.

**Secondary Source** CGIL (trade union) comment on the reform of labour market, October 2001, 6 pp.,

[http://consiglio.regione.emilia-romagna.it/biblioteca/pubblicazioni/dossier/libro\\_bianco/09notacgil.pdf](http://consiglio.regione.emilia-romagna.it/biblioteca/pubblicazioni/dossier/libro_bianco/09notacgil.pdf), e-text

**Secondary Source** CISL (trade union) comment on the reform of labour market, 12/12/2001, 5 pp.

<http://www.centrostudi.cisl.it/Formazione/documenti/sulLibroBianco.doc>, e-text,

## 2002

### Sub-issue Care Work and Informal work

In Italy the shortage in welfare services, the aging population and the increasing participation of Italian women in the formal labour market led to the phenomenon known as the global care chain (Hochschild 2000). Migrant women are employed to take care of the house or of old / disabled persons, thus creating new gender, class and nationality based divisions between Italian and foreign women who serve as caregivers. Andall (1999) emphasises that the liberation of middle-class western European women is at the cost of the ‘non-EU care givers’.

The shift from Italian to foreign women in care-giving highlights the fact the care work is still gender- segregated: there has not been a restructuring of the organization within the family, or a

reframing of welfare policies, or a major involvement of men in care work. The Italian welfare state is weak and the role played by the third sector fragmented. On the other side, the informal economy constitutes a big part of the overall economy and migration policies seem to be ineffective in addressing this informal labour<sup>35</sup>. In 2002 an emergency measure comes into force to regularize domestic work. Law n. 189/2002, as modified by the Decree law n. 195/2002 on “urgent measures on the regularization of irregular work of non-EU immigrants” (*“Disposizioni urgenti in materia di legalizzazione del lavoro irregolare di extracomunitari”*) allocates more than 300,000 work permits to women<sup>36</sup>. In spite of this clear gendered effect of the Act, it is interesting to notice how the parliamentary debate on it does not have any gendered orientation.

Regularisation of the juridical position in Italy is emblematic of the construction of foreigners as temporary figures, constantly on the verge of becoming clandestine; they gain an “emergency juridical position”, at the mercy of the ebbs and tides of the labour market and subject to the contractual whims of employers. Suffice it is to say that the main modality of regularisation of foreign citizens in Italy takes place by means of emergency measures and exemptions.

Feminist movements often from within or networked with social movements/European Social Forum are quite active on this issue, detecting intersections between racism and sexism and the connections between impoverishment of the national welfare state and the role and exploitation of migrant workers in the care sector. These are the years of the first explicit activism performed by migrant women in politics; the setting up of mixed NGOs and networks made up by migrants and native women is one of the most common ways for enhancing migrant women’s participation. Some NGOs have promoted a tentative gendered analysis of Law 189/2002 identifying as most problematic for women the new restrictions on familial rejoining (prohibition to rejoin parents and unmarried partners) and on minors’ migration.

**Primary source** Legislative decree n. 195 "Disposizioni urgenti in materia di legalizzazione del lavoro irregolare di extracomunitari" (Urgent dispositions on legalization of irregular work of non-EU migrants), 09/09/2002, 4 pp., <http://www.parlamento.it/parlam/leggi/decreti/02195d.htm>, e-text

**Primary source** Parliamentary Debate on legalization of irregular work of non-EU migrants, session n. 201, 9/10/2002, 26 pp., <http://www.camera.it/dati/leg14/lavori/stenografici/sed201/s000.htm>, e-text

**Primary Source** parliamentary debate on the reform of the labour market, Session n 214, 30/10/2002, 16 pp., <http://www.camera.it/dati/leg14/lavori/stenografici/sed214/pdfs001.pdf>, e-text

**Secondary Source** NGO/Network Punto di partenza, “Seminario con le donne delle istituzioniW (Seminars with women belonging to institutions), 12/10/2002, 20 pp., <http://www.puntodipartenza.info/sezioni/htm/incontro/word/relazlucce.doc>, e-text

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<sup>35</sup> Between 1982 and 2004 six successive regularisation schemes have been adopted and implemented for irregular migrants, whether they were illegal entrants or persons exceeding their visa entitlements. Altogether, over 1.5 million foreigners have been coaxed out of the shadow economy and granted access to those welfare services available to direct tax-payers (beyond urgent medical care and schooling for children, which are open to undocumented migrants as well) (Pastore 2004).

<sup>36</sup> With the regularisation more than 100,000 Ukrainian women receive a contract and a permit to stay in Italy, before there were around 11,000.

**Secondary sources** CNEL (Consiglio nazionale dell'Economia e del lavoro) Comment on the reform of labour market required by the parliamentary committee on labour, 12/02/2002, 4 pp., [http://consiglio.regione.emilia-romagna.it/biblioteca/pubblicazioni/dossier/libro\\_bianco/04cnel.pdf](http://consiglio.regione.emilia-romagna.it/biblioteca/pubblicazioni/dossier/libro_bianco/04cnel.pdf), e-text

**Secondary Source** Cobas (independent trade union) comment on the reform of labour market, April 2002, 5 pp., [http://www.cobas.it/Sito/Documenti/Materiali/AD\\_00\\_03\\_2002.doc](http://www.cobas.it/Sito/Documenti/Materiali/AD_00_03_2002.doc), e-text

## 2003

### Sub-issue Reconciliation

A national seminar held in Rome to present results of a big survey carried out by CNEL provides evidence of the many problems that continue with regard to work-life balance. Great emphasis is given also to high percentage of women who decide to leave their job after having had a child: from 14- to 20% depending on geographic area. The small number of fathers using their parental leave has been denounced as well: according to the survey only 7% of fathers have used at least a portion of their leave within the first two years of childbirth, 4% of the sample declared to have the intention to use it in the future. Generally speaking, most mother-workers face great difficulties in trying to combine a parental role and working life. Data on the extremely poor and varied kindergarten provision and on the role of grandmothers/parents are provided and contribute to shape the debate on the issue.

Law n. 30/2003 and legislative Decree n. 276/2003, "Attuazione delle deleghe in materia di occupazione e mercato del lavoro, di cui alla Legge 14 febbraio 2003, n. 30" deeply reform the labour market. The law n. 30, so called "Biagi", and the "White book on the labour market" that represents a sort of statement, is preceded and followed by a big debate within and outside the trade unions. It reinforces the flexibilization of the labour market and introduces new 'non standard' forms of employment<sup>37</sup> to increase the employment rate. Formally the law affirms that "the adoption of measures, facilitating the access to part time work and to other flexible time contracts, represents an important positive action strategy through the reconciliation of family and working life to the fight against indirect gender discrimination". The law states that flexibility should help women to cope with family burdens, but it includes no instruments such work life reconciliation measures or specific rights for unstable/flexible workers. On the contrary, this Law allows more than 45 different types of contracts, decreases social security schemes, and weakens the traditional collective representations of the trade unions through the individualization of contracts (Shadow Report).

Debate on part time regulation within the law itself is particularly interesting as it is widely interpreted as facilitating work life-reconciliation by parties across almost the entire political spectrum.

In Italy around one out of three workers are employed in non-standard jobs (including self-employment). In 2003, for example, full-time permanent jobs increase a lot while temporary contracts decline. The differences between men and women in the distribution of unstable employment are significant: while men, compared to previous years, tend to be hired on an open-

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<sup>37</sup> This reform is promoted by Berlusconi's centre-right government, but a similar process regarding labour market regulations already started with the so called "pacchetto Treu" (Treu law n. 196/1997) during the centre-left government.

ended contract, there has been an increase of women employed with fixed term contracts (Villa 2004).

The so called Biagi Law and the White book on the labour market are widely criticized by Trade unions and widely discussed in civil society even if the gendered approach is not really common in this debate. On the 4<sup>th</sup> November 2003 a demonstration takes place in Rome under the slogan "Stop precariousness now!" (*Stop precarietà ora*).

These are the years when the Trade Unions are pushed by social movements and the socio political context to redefine themselves and their strategies in order to represent a much more complex and changing workforce. In 2003 a first national report is published by CGIL-Nidil (the Cgil's new branch dedicated to unstable workers) on the issue of precarious jobs containing data disaggregated by sex. Feminist NGOs start self –enquiries and debates on women and precariousness stressing the differences and nuances in the meaning of flexibility as a possible space for freedom and precariousness. Several women's NGOs take part in the European Assembly for Women's Rights in November 2003 within the European Social Forum in Paris. State feminists are particularly active on issues related to work life balance through public conferences, projects and surveys.

**Primary Source** Law n. 30 "Delega al Governo in materia di occupazione e mercato del lavoro" (Delega to the Government on employment and labour market), 12/02/2003, 10 pp., <http://www.camera.it/parlam/leggi/03030l.htm>, e-text

**Primary Source** Legislative decree n. 276 "Attuazione delle deleghe in materia di occupazione e mercato del lavoro, di cui alla legge 14 febbraio 2003, n. 30" (Implementation of the deleghe on employment and labour market, law 14 February 2003 n. 30), 10/09/2003, 47 pp., <http://www.parlamento.it/leggi/deleghe/03276dl.htm>, e-text

**Secondary source**, appeal of the demonstration "Stop precarietà ora!" (Stop precariousness now!), 04/11/2003, 2 pp., [http://nicolettapirotta.altervista.org/pag\\_3.htm](http://nicolettapirotta.altervista.org/pag_3.htm), e-text

**Secondary source** Trade union's (CGIL) report, Altieri, G. and Cristina Otieri "Terzo Rapporto sul Lavoro Atipico in Italia: verso la stabilizzazione del precariato? IRES CGIL" (This report on non-standard work in Italy: toward the stabilization of precariousness? IRES CGIL), April 2003, 59 pp., [http://it.geocities.com/giorgio\\_nova/atipico.pdf](http://it.geocities.com/giorgio_nova/atipico.pdf), e-text

**Secondary source** feminists documents, Parigi Diverse, Women toward the European Social Forum, 2003 (various articles, 1 or 2 pages) <http://www.ecn.org/reds/donne/mondo/mondo0312PARIGI2.html> e-text

**Secondary source** feminist article by Nannicini, Adriana «Le *donne flessibili* e il racconto delle condizioni del lavorare» (Flexible women and the narration of the conditions to work) (from a self-enquiry process started in 2003), April 2005, 11 pp., <http://www.universitadelledonne.it/>, e-text

**Secondary Source**, relation of the left-wing MP and academic Cirant, Eleonora, "La posizione giuridica degli stranieri. Donne, bambini, nuclei familiari. Cosa succede con la Legge Bossi Fini" In

Intermundia NEWS, Anno 4, n°11. ("the juridical status of foreigners. Women, children, families. What happens with law Bossi Fini", from a public meeting held at the Free Women's University in Milano), November/December 2003, 2 pp.,  
<http://www.comune.roma.it/repository/ContentManagement/node/P474266588/INTERMUNDIA11.pdf>, e-text

**Secondary Source** Cnel-Istat seminar "Maternità e partecipazione delle donne al mercato del lavoro: tra vincoli e strategie di conciliazione" (Maternity and women's participation in the labour market: between constraints and strategies to conciliate), 02/12/2003, 5 pp.,  
<http://www.istat.it/istat/presidente/interventi/04Maternita.pdf>, e-text

## 2004

### Sub-issue Reconciliation

Law proposal n° 5025, Fassino/Turco to implement Law 53/2000: fiscal advantages to employers who allow their employees with care duties to work part time and according to flexible schedules. Proposal to raise maternal leave salary from 80% to 100% and from 30 to 80% for the first parental leaves' month, to allow mothers to use parental leave only after father's use. It contains other measures to increase expenses for families.

### Sub-issue Tax and Benefit Policies

A new law is enacted in July 2004, well known as "Riforma Maroni": according to this law retirement age remains 65 for men and 60 for women. Starting from 2008 the minimum contributory period will pass from 35 to 40 years, independently of age. A combination of contributory history and age will allow early retirement for those who are at least 60 years' old starting from 2008<sup>38</sup>. The approval of the law has been again highly conflictual and two national strikes have been held in 2003 and 2004. The process of mediation between Government and Trade Unions has resulted in the abolition of a reduction which was included in the governmental Law proposal for contributions for newly employed workers and other contested measures such as a fixed upper limit of 40 years in contributions without any flexibility related to individual age<sup>39</sup>. Regarding women, a special regulation on early retirement makes it possible to receive a pension when 57 years old and having 35 years of contribution. Since the calculation of the benefit is made on the basis of actual contributions paid, women who retire earlier will receive a lower amount of money. Moreover the contribution system will have an impact on workers depending on their working history: workers with a continuous working life will be better off than those with some discontinuity, such as the ones employed with atypical contracts. For women it is possible to foresee that a minimum pension will be ensured to those entering the labour market as dependant workers, while the ones who experienced high discontinuity in employment (with inactivity or unemployment period) the amount of money from their pension will be very low. Some women may not reach 35 years of contribution and thus not be entitled to any pension benefit at all. These arguments have been raised in the year 2004 during a National Conference on the issue "Women and Pensions" organised by CNEL, a national institute for research and studies on work and the

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<sup>38</sup> The minimum age will increase to 61 from 2010 and in 2013, after assessment of the results of the law, it will be raised to 63.

<sup>39</sup> [www.cgil.it](http://www.cgil.it). Article: "Il giudizio e le proposte della CGIL sul sistema previdenziale dopo l'approvazione della legge delega", 2005.

economy, working strictly with national Ministries. Research carried out by Cnel itself has clearly showed as women, while being the majority of retired people in Italy, have got lower pensions.

The institute has identified some positive impacts of the new regulations on women's lives such as:

- ✓ the abolition of the so called "early retirement" schemes in the public sector which were used mainly by women
- ✓ the prohibition to combine pensions due to survivors' benefits (mainly women) with other income sources.

Some other measures are identified as positive ones improving women's retirement's conditions, like:

- ✓ not abolishing the difference in women's and men's retirement age
- ✓ having recognized 4 months of contributions for each child even if born when the mother was not employed

As it emerges from the public debate the Trade Union CGIL has expressed the most critical views about the impact of pension reform on women's life, especially the last one in 2004. None of them has criticized the 'inequality' in granting women a lower retirement age, basically arguing that formal equality would be reversed in substantial disadvantages given the difficulties women are facing in cumulating working years. As women still face greater discontinuities in their working lives due to the uneven distribution of domestic and care work this disadvantage has to be taken into consideration. The only nuances in the various positions are visible in rhetorical formulas like "fostering the social value of maternity" used by the trade unions like CISL, close to the Catholic world and more centre- oriented. The same union has proposed to compensate the effects of pension cuts with improving welfare state assistance to families and it is open to the possibility of liberalizing retirement age. On the opposite side, employers' organizations have basically approved and favoured all the reform process. The industrial sector employers have asked to integrate pension reforms with a global welfare state reform to increase welfare aids and facilitate workers' adaptability to the labour market; the association of employers in the field of commerce has stressed the risks of serious impacts on the purchasing power of elderly people and consequently on consumption.

**Primary source** Law n° 243 "Norme in materia pensionistica e deleghe al Governo nel settore della previdenza pubblica, per il sostegno alla previdenza complementare e all'occupazione stabile e per il riordino degli enti di previdenza ed assistenza obbligatoria" (Riforma Maroni) (Norms on pensions and Government delegation on social security, to sustain the complementary social security and stable employment, and to reorganize the pension and assistance institutions), 23/08/2004, 14 pp., <http://www.camera.it/parlam/leggi/04243l.htm>, e-text

**Primary source** Law proposal n° 5025, Fassino-Turco to implement Law 53/2000 "Disciplina del sostegno alle responsabilità familiari" (Discipline to sustain familial responsibilities", 24/052004, 44 pp., <http://legxiv.camera.it/dati/leg14/lavori/stampati/pdf/14PDL0063060.pdf>, e-text

**Secondary Source** article by Carrera F., Teselli A., "Il welfare familistico italiano: un sistema sulle spalle delle donne" (The familistic Italian welfare: a system based on women's shoulders). In

Quaderni di Rassegna Sindacale (trade unions review) n°4, October-December 2004, 10 pp. (131-142)

**Secondary source** academic report by Paola Villa, "Gendered Evaluation of National Action Plan for Employment" November 2004, 38 pp.,

[http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2005/italy-napemp\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2005/italy-napemp_en.pdf), e-text

**Secondary source** Shadow report on women's situation in Italy, ten years after the U.N. World conference on women (Beijing 1995), 2004, 13 pp.,

<http://www.unece.org/oes/gender/documents/question/AlternativeRep/Italy.pdf>, e-text.

## 2005

### Sub-issue Reconciliation

Law proposal (iniziativa popolare) n° 5902 "Diritto dei bambini e delle bambine all'educazione e all'istruzione dalla nascita fino a sei anni"., proposed by "Rodari Council", from the Democratic Left Party (DS) is aimed at: trying to reach within 2010 the Barcelona targets, promoting interactions among the State, Regions and Municipalities to build an integrated public-private system for child care; creating a national fund for childhood and a plan for financing kindergartens for children up to three years, safeguarding costs and professional training of educators.

**Primary source** popular initiative Law proposal n° 5902 "Diritto dei bambini e delle bambine all'educazione e all'istruzione dalla nascita fino a sei anni" (Rights of male and female children to education and schooling from birth till they are six", 24/05/2005, 24 pp.,

<http://www.consultarodari.org/annaserafini/PDL.pdf>, e-text

**Secondary source** CGIL (Main Italian trade union) Article: "*Il giudizio e le proposte della CGIL sul sistema previdenziale dopo l'approvazione della legge delega*", (Opinion and proposals by CGIL on pensions after the approval of the law delega) 15/12/2005, 7 pp.,

<http://www.cgil.it/welfare/politicheprevidenziali/giudizio%20e%20proposte%20Cgil.pdf>, e-text

## 2006/2007

### Sub-issue Reconciliation

Some new provisions have been implemented with the 2007 Budget Law, like the new maternity benefits for autonomous workers (30% of the salary until the baby is three months old).

Debates among state feminists, trade unions and employers' organizations have also focused on the implementation of those chapters within the law which are devoted to encouraging enterprises to introduce more flexible working times and, through collective bargaining, to realize experimental projects for work life balance in human resources management (art. 8 and 9). In spite of the many resources provided, enterprises have not had access to money and very few have presented projects. Art. 9 was reformed in 2006 in order to further facilitate employers to apply for funding.

**Primary Source** law 2007 n. 296/2006 "Legge finanziaria 2007" (Budget law 2007), artt. 8, 9, 27/12/2006, 10 pp.,

<http://www.parlamento.it/leggi/06296l.htm>, e-text

**Secondary Source**, academic article by Gottardi, Donata “La disciplina sulla tutela della maternità e della paternità alla prova della riforma del mercato del lavoro” (The discipline on the protection of maternity and paternity leave in the reform of the labour market) in Di Nicola, Paola and Maria G. Landuzzi, (eds) , *Crisi della natalità e nuovi modelli riproduttivi. Chi raccoglie la sfida della crescita zero?*. Milano: Franco Angeli, 2005, pp. 99-166.

**Secondary Source** Newspaper article by Fornero, Elsa and Chiara Monticone, “Le pensioni delle donne ed i tabù di Epifani » in *Il Sole 24 ore*, 12/12/2006, 2 pp.,  
[http://209.85.129.104/search?q=cache:1tbA0GkHLG4J:cerp.unito.it/attachments/le\\_pensioni\\_delle\\_donne+Le+pensioni+delle+donne+ed+i+tab%C3%B9+di+Epifani&hl=es&ct=clnk&cd=1&gl=it](http://209.85.129.104/search?q=cache:1tbA0GkHLG4J:cerp.unito.it/attachments/le_pensioni_delle_donne+Le+pensioni+delle+donne+ed+i+tab%C3%B9+di+Epifani&hl=es&ct=clnk&cd=1&gl=it), E-text

## 2006-2007

### Sub-issue Tax and Benefit policies

The present centre-leftist government is still debating on how to dilute proposals on the increasing of retirement age even if the overall direction seems to be, under OSCE pressure, the same of the previous governments. Trade Unions are ready to protest and workers to strike: recent research promoted by SPI<sup>40</sup> (the pensioners’ union within CGIL) has revealed the increasing impoverishment of elderly people in retirement. Recently a debate was opened by the Radical Party MP Emma Bonino on the need to put women’s retirement age on an equal footing with men’s. The issue has been raised after the appeal made against Italy at the European Justice Court (2005/2114) declaring Italian legislation to be inconsistent with European Law. At the moment only the smallest of the official trade unions, Uil<sup>41</sup>, has openly declared to approve Ms. Bonino’s claims while the Minister for Labour has immediately denied any government projects according to her proposal and Barbara Pollastrini, Minister for Equal Opportunities (Democratic Left Party) has explicitly disagreed with her, stating that at present it would represent an increased workload for women who are in charge of most of domestic and care work, especially when retired. CGIL’s spokesman, Guglielmo Epifani has declared to be in favour of not abolishing this gendered differential as it may be considered as a compensation for women’s care work. The newspaper “Il sole 24 ore”, close to employers’ organizations, has recently suggested to recognize notional contributions for periods dedicated to care work by women and/or men instead and to give the same possibilities for a flexible choice within a given age range, as happens in most of European countries.

**Primary Source** Mp’s Bonino law proposal n. 2428 on the reform of the pension system, 03/04/2007, 40 pp.,  
<http://www.welfaretojob.biz/upload/PDL-ammortizzatori-2484.pdf>, e-text

**Secondary Source** newspaper article by Longo A. “Mai amato le specie protette, voglio essere scelta per merito” (I never loved protected species. I want to be chosen for merit), in *La Repubblica*, 04/05/2007, 2 pp.,  
[http://web.radicalparty.org/pressreview/print\\_right.php?func=detail&par=14349](http://web.radicalparty.org/pressreview/print_right.php?func=detail&par=14349), e-text

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<sup>40</sup>Caon, Luciano, 2006. “Indagine Spi: le pensioni sono troppo basse”, in *Rassegna Sindacale* n. 31, 2006: source [www.cgil.it](http://www.cgil.it) (TfrNews)

<sup>41</sup> Ecco perchè avanza l’età pensionabile delle donne”. *Il Giornale di Sicilia*, 26/01/2007.

**Secondary Source** newspaper article by Ferrera M. "E' donna l'anomalia italiana" (it is woman the Italian anomaly) in Corriere della Sera, 07/02/2007, 1 pp.

[http://users.unimi.it/ferrera/upload/download/it/corriere/2007/20070207\\_E\\_donna\\_la\\_anomalia\\_italiana\\_07-02-2007.pdf](http://users.unimi.it/ferrera/upload/download/it/corriere/2007/20070207_E_donna_la_anomalia_italiana_07-02-2007.pdf), e-text

### 3. INTIMATE CITIZENSHIP

#### 3.1 Introduction

The main sub-issues and 'sub-sub-issues' identified in Italy for intimate citizenship are the following:

**1. Sub issue: Reproductive rights**

- Assisted reproduction
- Abortion

**2. Sub issue: Partnerships and gay marriage, discrimination on the basis of sexual orientation**

- Civil partnership
- Discrimination on the basis of sexual orientation
- Family reunification

**3. Sub issue: Divorce, separation, marriage**

- Maternal and paternal role ("active fathers")
- Shared custody

Generally speaking in Italy when talking about intimate citizenship we have to take into account the great power of the Catholic Church in shaping the debates and consequently the public policies. Especially after the dissolution, during the early nineties, of the Christian Democratic party, the catholic high hierarchies, namely the CEI (Conferenza Episcopale Italiana, Italian Episcopal Conference), took a lead position in the policy debate affecting it widely. The public debates are focused mainly on the family and its legitimate form (heterosexual family based on marriage as "natural base" of society) and on reproductive rights, especially abortion and medically assisted reproduction. Regarding marriage it is worth noting that the religious marriage in Italy continues to have civil validity thanks to the so-called "Concordato" (1929) between the Catholic Church and the State. Nowadays the majority of marriages are celebrated with a religious ritual, even if civil rituals are progressively increasing<sup>42</sup>.

Regarding the relevance of the debates, during the QUING period the most debated topics concern medically assisted reproduction and as a consequence abortion and the legitimate family form, thus shifting into civil partnership. It is worth noting that civil partnership has been a hot debate for a short period between 2006 and the first months of 2007, while right now it has disappeared from the agenda. Family reunification has been a pretty marginal debate deriving from the restrictive law on migration, thus being shaped mainly around the precariousness of migrant lives as constructed by legislative tools. The debate on maternal and paternal role and shared custody cannot be defined as very hot debates since they involve mainly feminist trade unionists and scholars (the former), and jurist feminist NGOs or fathers' NGOs (the latter), but are basically confined within such borders.

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<sup>42</sup> In 2004 civil marriages constitutes 32.4% out of the total number of marriages, while in 1994 it was 10%. The territorial distribution is very uneven: in the north part of Italy 43% of marriages are celebrated with a civil ritual, 35% in the centre and 18% in the South (Istat 2007).

On reproductive rights we would like to point out that in Italy until 1971 advertising contraceptives was illegal and the violators could be punished with imprisonment, during that year the Constitutional Court repealed art. 553 of Penal Code: "Whoever may publicly instigate to practices against reproduction and may advertise in favour of them is going to be punished and imprisoned". However the feminist movement was particularly strong during the decade of the 70s and in 1978 abortion became legal, this was the mobilization peak of the feminist movement. The "*Movimento per la vita*" (Pro-life Movement) is a Catholic pro-life organization established in 1978 to fight against the law on abortion. In 1980 the Pro-life Movement collected 4 million signatures to hold a referendum to amend the abortion law, and in 1981 two different referendums took place, but in the completely abrogative one 67.9% of Italian citizens voted to maintain the right to abortion. Nevertheless, the Pro-life Movement did not disappear and is still very active nowadays.

The current debate, from the 90s onwards, focuses mainly on medically assisted reproduction<sup>43</sup> and concerns the recognition of subjective rights to the embryo, thus going in the direction of making abortion a crime as if it were a homicide. Moreover, the exclusive focus on the embryo makes women disappear, as if they were just a womb.

Law on abortion (n. 194/1978) in Italy is titled "Norms for the social protection of motherhood and about the voluntary interruption of pregnancy" (*Norme per la tutela sociale della maternità e sull'interruzione volontaria della gravidanza*). As Marina Calloni (2001) emphasises, legal abortion is called 'Voluntary interruption of pregnancy'. After the law is passed there has been a decrease in both legal and illegal abortions performed in Italy<sup>44</sup>. Despite the law, 80% of the doctors practise conscientious objection and do not operate on women who ask for an abortion. Pro-life parties and NGOs have continuously supported bills aimed at a radical transformation of law n. 194, especially the modification of art. 1 of the Civil Code aiming at giving juridical capacity to the embryo.

Abortion becomes again a hot issue during the Nineties, when the discussion in the public arena is about assisted reproduction and the morning after pill RU486. It is the chance for abortion opponents as well as for women's movements to gain new visibility.

Heterosexual marriage and divorce are not put into question while the regulation of the phenomenon of partnership outside marriage, both homosexual and heterosexual, is a very recent hot debate in Italy. A starting point can be considered the year 1986, when the "Interparlamentare delle donne comuniste" (Interparliamentary of communist women) and Arci (national NGO pro-homosexual rights close to the Communist party) started the first discussion in Parliament on civil unions. The first bill was in 1988 (PdL n. 2340 "Disciplina della famiglia di fatto" [Discipline on de facto family], 12/02/1988) but it has never been discussed. During the Nineties many law proposals were presented, also thanks to European pressure (see European Parliament Resolution 8 February 1994), but again no proposal has reached the discussion. Homosexual NGOs<sup>45</sup> in particular have been very active in promoting the recognition of civil partnership, even if the debate reached the larger public only during the last legislature, following the introduction of Pacs in France.

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<sup>43</sup> In the mid Nineties around 20 law proposals regarding assisted reproduction are ready to be discussed in parliament.

<sup>44</sup> Abortion rate among Italian women was 15.9/1,000 in 1980 while it decreases to 9.1/1,000 in 2003 (Istat 2006).

<sup>45</sup> Among others Arcigay, which was founded in 1985 and is Italy's foremost national gay rights organisation ([www.arcigay.it/eng/](http://www.arcigay.it/eng/)).

Family reunification is an important sub-issue within intimate citizenship because its regulation widely affects the chance for migrants to have a family life besides their permanence in Italy as workers. Family reunification can be understood as the recognition of migrant workers as human beings having an affective life.

The right to the legal permanence for partner/spouse and children derives from the regular status of the person asking for the family reunification. Italy requires as basic requirements for authorisation an income sufficient for the maintenance of the reunited person and adequate lodgings, unlike all other Italian citizens who want to build their own family. Eleonore Kofman (2000) underlines the sexist dimension of the basic assumptions made by the European legislations on the subject. Generally the male individual is the more privileged, being especially taken for granted the economic dependence of the reunited woman who in order to have the same rights as the husband, in terms of work, is obliged to wait for twelve months.

Usually, apart from the NGOs and organizations mobilized for migrant rights, the debate in newspapers is mainly focused on the “migrant invasion” that will occur in Italy and on the fraudulent procedure to obtain a permit to stay<sup>46</sup>. Catholic hierarchies are in favour of the family reunification, since it gives stability<sup>47</sup>.

Italian studies show how the gendered division of work within the family is still very unequal and women are disadvantaged even when they are in paid work. In this general picture, a change has to be recognised in relation to children, even if small. These activities seem to be more accepted by Italian fathers but the role is mainly about play or sharing free time with children and their participation is far less in relation to material care and upbringing activities (Saraceno 1980; Bimbi e Pristinger 1985; Balbo et al. 1990). European research highlights how Italian fathers are the least involved in care, such as cooking, dressing, and helping with homework. This is due both to the low female participation in the labour market and to cultural and ideological reasons (Di Giulio e Carrozza 2003). Nevertheless, very recent studies show how time spent by fathers with children is increasing, thus diminishing the asymmetry within the couple. In 1988-89 41.5% of fathers took care to some extent of children between 0 and 13 years old, while in 2002-03 the percentage increased to 58.6%<sup>48</sup>. Generally speaking the debate on gender roles within the family is not a very hot debate, it is considered more a private matter and the changes involve especially the younger generation.

Shared custody has been introduced in Italy in 2006 since the phenomenon of separation and divorce is increasing and the exclusive custody of one parent seemed not to ensure the wellbeing of the children. This law can be considered a shift because it introduces the concept of biparenthood. The debate was mainly carried on by jurist feminist NGOs and fathers’ NGOs but not involve a great audience.

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<sup>46</sup> See, for example, this newspaper article:

[http://www.corriere.it/Primo\\_Piano/Cronache/2006/02\\_Febbraio/16/cinesi.shtml](http://www.corriere.it/Primo_Piano/Cronache/2006/02_Febbraio/16/cinesi.shtml) (Italian).

<sup>47</sup> Newspaper article, <http://sitesearch.corriere.it/searchresults.jsp> (Corriere della Sera, 14.01.07).

<sup>48</sup> Zanatta A.L., “Fathers and parental leave”, to be found on the webpage: <http://w3.uniroma1.it/scidemo/10-Zanatta-Padri%20e%20congedo%20parentale.doc> (Italian).

Discrimination because of sexual orientation is a sub-issue that has long been a debate promoted by LGBT NGOs, especially Arcigay and some trade unionists and MPs with a background in the LGBT movement.

### 3.2 Actors

Apart from the Catholic Church, other main actors participating in the debates on intimate citizenship are pro-life organizations, feminist and LGBT NGOs, fathers' NGOs, bioethical committees, juridical associations (such as the women's juridical association) and, regarding family reunification, pro-migrant NGOs. Regarding political parties, all of them are involved in the debates, especially on assisted reproduction and civil partnership. Democratici di sinistra (Left Democrats, who were part of the former Communist party), Verdi (Greens), Partito dei comunisti italiani (Communist Party), Rifondazione Comunista (another Communist party) and other MPs with a republican, liberal, socialist background are in favour of maintaining a liberal law on IVF (In vitro fertilization), keeping the law on abortion and promoting the recognition of civil partnership. By contrast, parties derived from the split of the Christian Democratic party (some of them part of the centre-left coalition), with Alleanza nazionale (former fascist party), and Forza Italia (conservative, Berlusconi's party) place the focus on the "beginning of life" and aim at changing the laws in a restrictive direction for women. The Minister for Equal Opportunities and the Department for Equal Opportunities were also very active, especially regarding civil partnership and the sharing of care work between men and women.

### 3.3 Timeline

1995

#### Assisted reproduction/abortion

The idea of attributing subjective rights to the embryo promoted by the Vatican and the Catholics<sup>49</sup> following the Vatican's directives is used against abortion and to limit assisted reproduction methods. In 1995 the Pope is in the frontline issuing the encyclical letter *Evangelium Vitae*, comparing abortion and genocide. The focus is not on women's health and desires but on the protection of the fertilized cell. The debate starts to be hot and different voices take part in it. Other actors in the debate include the lay people in favour of abortion and assisted reproduction that gives rights to women rather than to the embryo. Many law proposals are presented (bill "Norme in materia di procreazione medicalmente assistita" (Norms on medical assisted reproduction); n. 1394 17/02/1995, bill "Norme in materia di strutture sanitarie e di procedure mediche per la cura della sterilità e dell'infertilità". (Norms on health structures and procedures to combat sterility and infertility) n. 1879 13/01/1995, bill "Norme in materia di procreazione medicalmente assistita" (Norms on medical assisted reproduction), n. 1978 7/02/1995.

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<sup>49</sup> We would like to point out that despite 90% of the Italian citizens declaring themselves catholic, there is a variety of ways of believing and practicing Catholicism. The different voices of Italian Catholicism are to be found in the various positions and activities undertaken by different groups: the range is wide, going from the very conservative Movement for life, to more progressive groups belonging to the so called grass-roots Catholicism (Frisina 2006).

**Secondary source**, (general document on embryo's rights) Pope's encyclical letter, "*Evangelium Vitae*", 25/03/1995, 93 pp.,

[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae\\_it.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae_it.html) (Italian),

<http://www.ewtn.com/library/encyc/jp2evang.htm> (English), e-text

**1996**

### **Assisted reproduction/abortion**

In 1996 reproductive rights are the core of the public debate: different voices – both lay and catholic – emerge in the public sphere: a "Manifesto of lay bioethics" (*Manifesto di bioetica laica*) is elaborated by the Consulta di Bioetica (the reproductive methods are described as a new scientific revolution since they allow human beings new ways to give life) (Cirant 2005). In the same year a governmental body, the National Committee for Bioethics (*Comitato nazionale di bioetica*) publishes a document named "Identity and status of human embryo" (*Identità e statuto dell'embrione umano*), in which the definition of embryo is "one of us" (Cirant 2005, p. 181). This document is used by media and catholic NGOs, and the "pro-life Movement" (*Movimento per la vita*); during the evening news the President of the Committee talks surrounded by the image of a foetus – and not an embryo – with a finger in his/her mouth (Valentini 2004).

When the centre-leftist Prodi's government is appointed in 1996 the social affairs Commission is in charge of developing a standardized law proposal which mediates among the different actors, during this process women's involvement is very marginal and the female voices remain hidden (Coni 2004). To overcome this absence, the Rifondazione Comunista Party (one of the Italian left-wing parties) creates a working group of women on bioethics, in which hundreds of women who belong to centre-leftist parties, civil society and the world of culture participate (Cirant 2005).

**Primary source**, assisted reproduction, law proposal n. 616 (Forza Italia, right-wing party) "Norme in materia di riproduzione assistita" (Norms on assisted reproduction), 9/5/96, 4 pp.,

[http://legislature.camera.it/\\_dati/leg13/lavori/schedela/trovaschedacamera.asp?PDL=616](http://legislature.camera.it/_dati/leg13/lavori/schedela/trovaschedacamera.asp?PDL=616), e-text

**Primary source** assisted reproduction, law proposal n. 817 (Popolari-Ulivo, centre-left) "Norme a tutela dell'embrione umano" (Norms to protect the human embryo), 14/05/1996, 3 pp.,

[http://legislature.camera.it/\\_dati/leg13/lavori/schedela/trovaschedacamera.asp?PDL=817](http://legislature.camera.it/_dati/leg13/lavori/schedela/trovaschedacamera.asp?PDL=817), e-text

**Primary source**, assisted reproduction, law proposal n. 958 (CCD - CDU, centre-right-wing parties) "Norme in materia di riproduzione assistita" (Norms on assisted reproduction), 19/05/1996,

[http://legislature.camera.it/\\_dati/leg13/lavori/schedela/trovaschedacamera.asp?PDL=958](http://legislature.camera.it/_dati/leg13/lavori/schedela/trovaschedacamera.asp?PDL=958), e-text

**Secondary source** assisted reproduction: Consulta di Bioetica, "Manifesto di bioetica laica", (Manifesto of lay bioethics), 09/06/1996, 4 pp.,

[http://www.ifom-firc.it/res\\_05/download/29301105\\_04/D\\_bioetica\\_laica.pdf](http://www.ifom-firc.it/res_05/download/29301105_04/D_bioetica_laica.pdf), e-text

**Secondary source** assisted reproduction: Comitato nazionale di bioetica (National Committee for Bioethics), Identità e statuto dell'embrione umano (Identity and status of human embryo), 22/06/1996, 5 pp., <http://www.governo.it/bioetica/testi/220696.html>, e-text

**Secondary source** assisted reproduction: feminist article by Azzaro A. "Bioetica. Una legge leggera aperta al cambiamento. Conversazione con Grazia Zuffa" (Bioethics. A light law open to change. Conversation with Grazia Zuffa), DW Press, 19-25/06/1996, 1 p, <http://www.mclink.it/n/dwpress/dww5/art6.htm>

**1997**

### **Assisted reproduction/abortion**

A law proposal (n. 2965/1997) promoted in 1997 by MPs and supported by the Pro-life Movement (*Movimento per la vita*) and the family Forum (Forum delle famiglie) aims at giving legal capacity to the embryo.

From the debate of the working group of women on bioethics different positions emerge, but they finally write a document (1997) in which they point out a general refusal of the proposal since it aims at regulating extreme personal choices and behaviours that should not be governed by law (Cirant 2005).

**Primary source** Law proposal n. 2965/1997 (no title), 14/01/1997, 3 pp., <http://www.camera.it/dati/leg13/lavori/stampati/sk3000/relazion/2965.htm> e-text

**1998**

### **Assisted reproduction/abortion**

On assisted reproduction a unified law proposal is presented in 1998 by Marida Bolognesi (Centre-left wing MPs), but the Catholic lobby tries to insert the rights of the embryo. In the proposal the heterologous insemination was allowed also for cohabiting heterosexual couples. It seemed the proposal could pass, but the low chamber will stop the process.

### **Family reunification**

Regarding family reunification, law n. 40/1998 is passed. Generally speaking it aims at regulating the permanence in Italy of foreign citizens and also the rights to allow legally recognized relatives enter and stay in Italy. The debate on family reunification was not very developed, since it was concentrated mainly on the regulation to issue the permit to stay and on the establishment of the CPT (Centri di permanenza temporanea, Temporary permanence centres), promoted at the European level within the Schengen agreement.

**Primary source**, assisted reproduction, Law proposal n. 414. "Disciplina della procreazione medicalmente assistita" (Discipline on medical assisted reproduction), 31/03/1998, 29 pp., [http://www.uaar.it/laicita/procreazione\\_assistita/06b.html](http://www.uaar.it/laicita/procreazione_assistita/06b.html) (Italian). (Marida Bolognesi, centre left) e-text

**Primary source**, assisted reproduction, Parliamentary debate on law proposal n. 414, Session n. 395, 20/7/1998, 5 pp.

<http://www.camera.it/dati/leg13/lavori/stenografici/sed395/s000r.htm>, e-text

<http://www.camera.it/dati/leg13/lavori/stenografici/sed163/s130r.htm> e-text

**Primary source**, partnership, bill n. 4657 «Disciplina dell'unione affettiva», (Discipline on affective relationship), 12/03/1998, 10 pp.

<http://www.uaar.it/laicita/convivenza/07c.html>, e-text

**Primary source** family reunification, law n. 40 on migration, "Disciplina dell'immigrazione e norme sulla condizione dello straniero" (Discipline on migration and norms on the condition of migrants), art. 27 and 28, 06/03/1998, 3 pp.

<http://www.parlamento.it/leggi/98040l.htm>, e-text

**1999**

### **Assisted reproduction/abortion**

Another law proposal on assisted reproduction is presented. It is law proposal n. 4048, approved in the law chamber by right-wing MPs and Catholic left-wing MPs. In the approved proposal the heterologous fertilization through a donor (of ovules or semen) external to the couple is not allowed, while the adoption of embryos by a couple is allowed. Bill n. 4048 is put to one side until 2000, when it reaches the Senate, but the discussion does not produce any decision. These vacillations are due to the Catholic pressure: the aim of the Catholic side was to put into question the right to abortion. By the end of the legislature no law is passed.

During Parliamentary session n. 542 (26th May 1999) MP Irene Pivetti proposes an amendment to refuse the right to abort a foetus deriving from in vitro fertilization because of ethical reasons. The amendment is not approved.

The shift in the focus of the debate on the foetus – and not on women - let the feminist movement be active again. Women aim at re-gendering the frame of the abortion debate (Calloni 2001). During the Nineties women activists tried to avoid a restrictive law on medically assisted reproduction and this gave new impulse to remove abortion from the penal code (see law proposal about this in Boccia 2005). Some documents and appeals are published.

**Primary source**, assisted reproduction, law proposal n. 4048, 27/05/1999, 18 pp.,

[http://www.uaar.it/laicita/procreazione\\_assistita/06a.html](http://www.uaar.it/laicita/procreazione_assistita/06a.html) e-text

**Primary source**, assisted reproduction, law proposal n. 4048, parliamentary debate, Session n. 476, 2/02/1999, 37 pp,

<http://www.camera.it/dati/leg13/lavori/stenografici/sed476/s250r.htm>, e-text

**Primary source**, assisted reproduction, parliamentary session n. 542, 26/05/1999, 4 pp.,

<http://www.camera.it/dati/leg13/lavori/stenografici/sed542/s010r.htm> e-text

**Primary source:** parliamentary debate on parental leave, session n. n. 548, 03/06/1999, 8pp.,

<http://legxiv.camera.it/dati/leg13/lavori/stenografici/sed548/s000r.htm>, e-text

**Secondary source**, Parliamentary consultation with Confindustria on the “Proposta di legge in materia di vita e di congedi parentali” (law proposal regarding life and parental leave), 09/07/1999, 11 pp.,

<http://www.confindustria.it/comunica/Audpar.nsf/4409abb19712e12680256515004e9da0/de85a4875094940bc125679300557468?OpenDocument> e-text

## 2000

### Maternal and paternal role

Law 53/2000 and legislative Decree 151/2001<sup>50</sup> constitutes a big change in the Italian legislation, the shift is towards an “active paternity”, in which the father plays an active role not only as emotional support, but also as material caregiver. In the previous legislation, the father could take leave just to substitute the absent (dead or ill) mother (art 13, law 53/2000, art. 28 d.lg 151/2001). Generally speaking law 53/2000 and its instruments are not well known by either employers or employees, as highlighted by female trade unionists.

The law was and is debated mainly among trade unions and employers’ associations. Confindustria (Employer Association) during a parliamentary consultation (see timeline 1999) on the law proposal (that will become law n. 53/2000) was mainly concerned about the absence of workers (especially men) from work and not so much with a change in gender roles regarding care.

**Primary source** parenthood:, Law 53/2000 “*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*” (Provisions for supporting motherhood and fatherhood, for the right on care and on Training Leaves and to coordinate the city times), 08/03/2000, 21 pp.,

[http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Donne\\_e\\_Lavoro/L\\_num53\\_08\\_03\\_00.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Donne_e_Lavoro/L_num53_08_03_00.pdf), e-text

**Primary source:** assisted reproduction, parliamentary debate (Senato), session n. 797, 15/03/2000, 76 pp., <http://www.swif.uniba.it/lei/filmmod/vitasenato.html>, e-text

**Secondary source**, civil partnership, Pontificio consiglio per la famiglia (Pontifical council of family), “Famiglia, matrimonio e “unioni di fatto” (Family, marriage and “de facto unions”), (26/07/2000, 31 pp.,

[http://www.vatican.va/roman\\_curia/pontifical\\_councils/family/documents/rc\\_pc\\_family\\_doc\\_20001109\\_de-facto-unions\\_it.html](http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20001109_de-facto-unions_it.html), e-text.

## 2001

### Assisted reproduction/abortion

In 2001 Berlusconi’s coalition (right-wing) wins the election and new restrictive law proposals on assisted reproduction are presented, during the same period the Radical party introduces a popular initiative proposal.

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<sup>50</sup> We already took them into consideration in non-employment, but in this part we would like to highlight other aspects, such as the attempt to re-distribute the reproduction and care work within the couple.

**Primary source** assisted reproduction, popular initiative bill, «Norme in materia di clonazione terapeutica e di procreazione medicalmente assistita» (Norms on therapeutic cloning and medically assisted reproduction), 2001, 4 pp., [http://www.uaar.it/laicita/procreazione\\_assistita/06d.html](http://www.uaar.it/laicita/procreazione_assistita/06d.html), e-text

**Primary source** Legislative Decree 151/2001 on parental leave and reconciliation "Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternita' e della paternita', a norma dell'articolo 15 della legge 8 marzo 2000, n. 53" (law on legislative dispositions concerning wardship and sustaining of maternity and paternity leaves, article 15 of law 8th March 2000, n.53), 26/03/2001, 55 pp. <http://www.parlamento.it/leggi/deleghe/01151dl.htm>, e-text

## 2002

### Assisted reproduction/abortion

When the proposal on assisted reproduction passed in the Senate (June 2002) the NGO "Mothers on line" (*mamme on line*) sends a dossier to the Parliament criticizing the bill. In July 2002 a demonstration takes place in Rome against the bill passed in the Senate. It is organized by feminist groups, NGOs supporting assisted reproduction, patients' NGOs, social centres and pro lay NGOs. In October 2002 the XII Commission of the Senate holds a series of meetings with NGOs, civil society and experts which highlights the many contradictions contained in the law proposal.

### Family reunification

Regarding family reunification, and generally migration, law n. 189/2002 is passed. With this law, passed during the centre right government, regulation on family reunification is restricted. The mobilization of civil society and left wing MPs (belonging to the Rifondazione Comunista party, Comunisti italiani and Verdi) is framed on issues other than family reunification.

**Primary source** family reunification, law n. 189 on migration, "Modifica alla normativa in materia di immigrazione e di asilo" (modifications on norms regarding immigration and asylum", art. 23 and 24, 30/07/2002, 1p., <http://www.parlamento.it/leggi/02189l.htm>, e-text

**Primary source**, family reunification, parliamentary debate, session n. 153, 4/06/2002, 26 pp [http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed153/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed153/s000r.htm)

**Primary source**, family reunification, parliamentary debate, session n. 201, 9/10/2002, 26 pp. [http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed201/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed201/s000r.htm), e-text.

**Primary source**, family reunification, parliamentary debates,

Session n. 127, 9/4/2002, 9 pp., [http://www.stranieri.it/attualita/ddl\\_migr/cam\\_urg.htm](http://www.stranieri.it/attualita/ddl_migr/cam_urg.htm), e-text

Session n. 146 del 16/5/2002, 17 pp, [http://www.stranieri.org/attualita/ddl\\_migr/cam\\_b.htm](http://www.stranieri.org/attualita/ddl_migr/cam_b.htm), e-text.

Session n. 149, 29/5/2002, 172 pp., [http://www.stranieri.it/attualita/ddl\\_migr/cam\\_d.htm](http://www.stranieri.it/attualita/ddl_migr/cam_d.htm), e-text

Session n. 209, 10/07/2002, 164 pp., <http://www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/2002/luglio/ddl-795-sen-aula-10-07.html> e-text

**Primary source:** civil partnership, law proposal n. 2982 (08/07/2002) Istituzione del Registro delle unioni civili di coppie dello stesso sesso o di sesso diverso e possibilità per le persone dello stesso sesso di accedere all'istituto del matrimonio (Establishment of the civil union register of couples of same or opposite sex and possibility for the same-sex couple to get access to marriage), 3 pp., <http://www.oliari.com/leggi/grillini23.html>, e-text.

**Secondary source** reproductive rights: appeal and other documentation on the demonstration in Rome against the law proposal, no date, 1 p., <http://www.arcidonna.it/embrione.html>, e-text

**Secondary source** reproductive rights (June 2002) the Ngo "Mothers on line" (*mamme on line*) send a dossier to the Parliament "Appello sulla procreazione assistita" (Appeal on assisted reproduction), July 2002, 16 pp., [http://www.uaar.it/laicita/procreazione\\_assistita/06g.html](http://www.uaar.it/laicita/procreazione_assistita/06g.html) e-text

## 2003

### **Assisted reproduction/abortion**

During a parliamentary debate in 2003 twenty women deputies belonging to the right wing as well as to the left wing parties protest against the proposal on assisted reproduction in Parliament, the coarse and misogynist reaction of the Parliament (especially men, but also Catholic women) force the President to suspend the debate.

### **Civil partnership**

Regarding civil partnership a law proposal (n. 3893) to introduce a Civil Pact of Solidarity is presented by left-wing MPs even if it falls in 2006 with the general elections. A campaign promoted by Arcigay and other LGBT NGOs starts under the slogan "un Pacs avanti" (a Pacs ahead). It aims at sustaining the law proposal. Another proposal (n. 4334) comes from a MP belonging to Forza Italia (right-wing), criticized by many MPs belonging to the same political area. In the same year the Congregation for the Doctrine of the Faith issues a document to express its opposition to the recognition of civil partnerships.

### **Discrimination based on sexual orientation**

Law n. 216/2003 against discrimination based on sexual orientation in the workplace, is interesting because it is only a partial transposition of the Directive 2000/78/CE. Stefano Febeni and Maria Toniollo (2005) analyse in particular the aspects contained in the Directive and excluded by the Italian legislator, such as the rights of homosexual couples and bisexual persons, social dialogue

and the role of trade unions. In October 2003 MP Titti de Simone (an historical activist of the LGBT movement) makes a Law proposal in order to expand the restrictive transposition of the Directive into the Italian legislation. In particular De Simone criticizes the Italian transposition as a missed opportunity to introduce antidiscrimination measures based on sexual orientation. Moreover, the burden of proof is still the responsibility of the victim, thus violating art. No. 9 and 10 of the Directive.

**Primary source**, civil partnership, law proposal n. 3893, Patto civile di solidarietà e unione di fatto (Civil pact of solidarity and de facto couple) 14/04/2003, 6 pp.  
<http://www.arcigay.it/show.php?1562>, e-text

**Primary source**: civil partnership, law proposal n. 4334, “Disciplina del patto civile di solidarietà” (Discipline of the civil pact of solidarity), 2/10/2003, 3 pp.  
<http://www.oliari.com/leggi/forzaitalia.html>, e-text

**Primary source**: discrimination, legislative decree n. 216/2003 (Directive 2000/78/CE) Session 14/05/2007, 4 pp., <http://www.camera.it/parlam/leggi/deleghe/testi/03216dl.htm> e-text  
Session 07/05/2007, 1 pp (114),  
<http://www.camera.it/dati/leg14/lavori/bollet/200305/0507/html/14/comunic.htm#113n1> e-text

**Primary source**, discrimination, law proposal De Simone, “Modifiche al decreto legislativo 9 luglio 2003, n. 216, recante l'attuazione della direttiva 2000/78/CE per la parità di trattamento in materia di occupazione e di condizioni del lavoro” (Modifications of the legislative decree 9 th July 2003, n. 216, transposition of Directive 2000/78/CE on equality of treatment on occupation and working conditions), 10/2003, 3 pp., [http://www.oliari.com/leggi/de\\_simone\\_2.html](http://www.oliari.com/leggi/de_simone_2.html), e-text

**Primary source**, discrimination, parliamentary debate (committee on European Policies) on Directive 2000/78/CE, 14/05/2003, 4 pp.  
<http://english.camera.it/dati/leg14/lavori/bollet/200305/0514/pdf/14.pdf> (e-text)

**Secondary source**, civil partnership, Congregation for the Doctrine of the Faith “Considerazioni circa i progetti di riconoscimento legale delle unioni tra persone omosessuali” (Considerations on the projects regarding the legal recognition of homosexual unions), 03/06/2003, 9 pp.  
[http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20030731\\_homosexual-unions\\_it.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_it.html), e-text

**Secondary source**, civil partnership, Comment by the president of Arcigay Milan to law proposal n. 4334, “Commento alla proposta di legge sul PACS dell'on. Rivolta” (Comment on law proposal on Pacs by MP Rivolta), no date, 2 pp. <http://www.unpacsavanti.it/documenti/ferigo.htm>, e-text

**Secondary source** documents by Lucia Basso (trade unionist Cgil) on the implementation of parental leave and parental roles, “la partecipazione del Veneto al progetto europeo *Peres actives*” (the participation of the Region Veneto to the European project *Peres actives*) 13/06/2003, 3 pp.  
<http://www.cgil.it/veneto.donne/PRiv1.pdf>, e-text

“Tempi di vita e di lavoro: la “conciliazione” possibile” (Time to live and time to work: the possible “conciliation”, 2003, 3 pp., 2003

<http://www.cgil.it/veneto.donne/Tempi%20di%20vita%20e%20di%20lavoro.pdf> e-text

**Secondary source** family reunification, European Coordination for Foreigners' Right to Family Life, Appeal to European Parliament members, no title, 10/10/2003, 4 pp.,

[http://www.giuristidemocratici.it/what?pub\\_section=Immigrazione-Asilo&news\\_id=20031007122932&doc\\_title=Contro%20la%20direttiva%20europea%20sui%20ricongiungimenti%20familiari](http://www.giuristidemocratici.it/what?pub_section=Immigrazione-Asilo&news_id=20031007122932&doc_title=Contro%20la%20direttiva%20europea%20sui%20ricongiungimenti%20familiari), e-text

## 2004

### Assisted reproduction/abortion

In 2004 with the Berlusconi centre-right government the law “Norms on medically assisted reproduction” (*Norme in materia di procreazione medicalmente assistita*) is passed. The norms deny any possibility of heterologous fertilization, are punitive against women and restrictive towards homosexual couples and/or single women. The law, claim its opponents, is in contrast with the Constitution (art. 1) since it claims the embryo’s rights and it is against the principles of the state (Boccia et al 2005). From civil society some discontent is emerging and the network “Cartel No to Law 40” (*Cartello No alla Legge 40*) is established. Two other demonstrations<sup>51</sup> take place in 2004 against the law, the former organized by female MPs belonging to the leftist parties and the latter by a civil society network led by feminists called “I wanted a baby, I gave up” (*Volevo un figlio, ho smesso*). A shared impression by feminists and women’s movements was that leftist political parties had sacrificed women’s rights not to break their own coalition in view of the forthcoming European elections in June 2004 (given the internal party conflicts and differences on the issue between those influenced by the Catholic Church and those fighting for a secular state). In the same year the radical party starts collecting signatures to organize a referendum to repeal law 40/2004.

In May 2004 a verdict of a judge is much debated: he refuses the request of a couple to make a DNA examination of their embryos prior to implantation in the uterus. Both of them are carrying betalassemia. During summer 2004 the Committee for the partial repeal of the law, composed by parties such as Democratici di Sinistra, Repubblicani and Rifondazione Comunista, starts working to organize another Referendum. Unlike the one promoted by the Radical party, this one will take place.

### Family reunification

Catholic hierarchies are generally in favour of family reunification, since it is supposed to give stability to the migrants and to their life style. During the electoral campaign for the European Parliament election in 2004, an international initiative is organized by the European Coordination for migrants’ rights to live within a family (*Coordinamento Europeo per il Diritto degli Stranieri a vivere in famiglia*) to push European MPs to change legislation on family reunification.

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<sup>51</sup> In January in Rome it is organized by women MPs belonging to DS, PRC, Comunisti Italiani e Verdi (left-wing parties) and in February in Bologna promoted by the Bolognese network (*Volevo un figlio, ho smesso*) against law proposal n. 1514.

**Primary source** reproductive rights: parliamentary debate on law proposal n. 47 (that will become law n. 40/2004), session 408, 19/01/2004 33 p.

[http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed408/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed408/s000r.htm) e-text

Session n. 421, 10.02.2004, pp. 8-71 e-text

[http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed421/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed421/s000r.htm)

**Primary source** reproductive rights, law n. 40 on assisted reproduction “Norme in materia di procreazione medicalmente assistita” (Norms on medically assisted reproduction), 19/02/2004, 11 pp, <http://www.parlamento.it/parlam/leggi/04040l.htm>, e-text

**Secondary source** reproductive rights, Manifesto against the law n. 40/2004 promoted by feminist, female and other NGOs, “No alla legge 40” (No to law 40), 10/03/2004, 2 pp., [http://www.madreprovetta.org/view\\_documento.asp?IDdocumento=29](http://www.madreprovetta.org/view_documento.asp?IDdocumento=29).

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**Secondary source** reproductive rights, document by the Women jurist association “La legge in materia di procreazione medicalmente assistita –PMA- è basata su una tutela integralista dell'embrione che è in contrasto con i principi dell'ordinamento giuridico” (Law on medically assisted reproduction –MAP- is based on the fundamentalist protection of the embryo. This is in contrast with the principle of the juridical system), 30/06/2004, 3 pp,

[http://www.forumdonnegiuriste.it/materiali/materiali\\_legge.htm](http://www.forumdonnegiuriste.it/materiali/materiali_legge.htm), e-text

**Secondary source:** reproductive rights, article by Di Pietro M.L. Casini M., “Il dibattito parlamentare sulla “procreazione medicalmente assistita”” (The parliamentary debate on medically assisted reproduction), 2002, 26 pp.,

<http://www.lex.unict.it/didattica/attivita06/biogiuridica/materiali/dipietro.pdf>, e-text

**Secondary source** reproductive rights, review article by Sarlo A. in Diario “Il diritto dell'embrione no al ricorso di una coppia talassemica” (the right of the embryo. No appeal to a thalassemic couple), 21/05/2004, 5 pp., <http://www.perlulivo.it/pipermail/gargonza/msg16864.html> e-text

**Secondary source** European Coordination for migrants' rights to live within a family, Text of the petition, April 2004, 4 pp.,

<http://www.ecn.org/reds/donne/italia/italia0404migranti1.html>, e-text

**Secondary source**, shared custody, Statement of the NGO Telefono Rosa, “Affido condiviso? No, coatto” (Shared custody? No, compulsory), 2004, 3 pp.,

<http://www.comune.torino.it/infogio/ric/2004/pub4089.htm>, e-text

2005

### **Assisted reproduction/abortion**

In 2005 bishop Camillo Ruini, chief of the Italian Episcopal Conference, invites the Catholic population not to take part in the referendum, thus making it ineffectual. The referendum (12, 13 June 2005) is widely discussed along the country but it will not reach the quorum, thus the law remains valid.

During the new millennium a stronger movement is built where different generations of feminists join together. A new attack against abortion rights has been found in 2005, when the Minister for health Francesco Storace (Alleanza nazionale) prohibits the testing of the morning after pill RU486 in a hospital in Turin. In the same year the Aduc (Association for the rights of users and consumers, *Associazione per i diritti degli utenti e dei consumatori*) publishes a dossier and an appeal to legalize the morning after pill RU486 as an abortive method.

At the end of 2005 an assembly is organized in the Chamber of Labour (*Camera del lavoro*) in Milan, more than 1,000 women – and some men - meet to discuss abortion, women's freedom and organize a demonstration for the 12th January 2006 with the slogan "Let's break the silence" (*Usciamo dal silenzio*). The assembly is composed mainly by members of trade unions, of left-wing parties and by national NGOs and the demonstration will be attended by more than 200,000 activists<sup>52</sup>.

### **Civil partnership**

The Catholic Church, especially the Italian Episcopal Conference, is leading a battle against any form of same sex union, even defining the "de facto couples" as unconstitutional. At the same time Catholic parties belonging to the centre-left coalition, namely la Margherita, enter the public debate on partnership making a law proposal which is actually a private agreement between the couple members.

**Primary source** partnership, law proposal by La Margherita (Daisy) "Contratti di Convivenza Solidale" (Contracts of Joint and solidal Life together), 17/09/2005, 1p.

[http://www.margheritaonline.it/notizie/scheda.php?id\\_notizie=18981&sezione=1](http://www.margheritaonline.it/notizie/scheda.php?id_notizie=18981&sezione=1), e-text

**Primary source** abortion: the Minister for health Francesco Storace (Alleanza nazionale) prohibits the testing of the morning after pill RU486

**Secondary source:** partnership, newspaper article, La Stampa (10/09/2005, p. 1) by Chiara Saraceno, "de facto couples, Rutelli discovers hot water. Pacs and private contracts" 2 pp, <http://www.radicali.it/view.php?id=41645>, e-text.

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<sup>52</sup> The organizations which gave their formal support are the following: FIOM-CGIL, ARCI-Milano, Esecutivo Nazionale Giovani Comuniste, Unione Regionale Lombarda della Sinistra Giovanile, RSU IBM Italia, Associazione di Volontariato "Bimbi dell'infertilità" Onlus di Vigevano, Centro Donne Avellino, Comitato Donne Ass. Culturale del Chile, PCR: di Imma Barbarossa Adesione, Coordinamento Donne Messina, Forum Uomo-donna del Gruppo Promozione Donna di Milano Adesione, Jo Squillo e tutte le donne stiliste, giornaliste, operatrici tv, registe del canale televisivo Tvmoda Sky 812, Commissione Pari Opportunità della Provincia di Livorno, Forum Donne Rifondazione Comunista, Unione degli Universitari Adesione, Magistratura Democratica Adesione, CGIL Latina Adesione, Riformatori Liberali Milano, Consiglio Comunale di Matera, Donne della provincia di Catanzaro, AIDOS, UDI Nazionale, RSU Finsiel, FIOM Milano, DS.

### **Secondary source** assisted reproduction

Boccia M.L. et al (2005), *Un'appropriazione indebita. L'uso del corpo della donna nella nuova legge sulla procreazione medicalmente assistita* [Undeserved property. The use of women's body in the new law on medically assisted reproduction], Baldini e Castoldi dalai Editore, Milano. It contains a law proposal

**Secondary source** Camillo Ruini, chief of the Italian Episcopal Conference, invites the Catholic population not to take part in the referendum regarding assisted reproduction

[http://www.chiesacattolica.it/ci\\_new/news\\_images/2005-01/17/ProlusioneCardRuini.doc](http://www.chiesacattolica.it/ci_new/news_images/2005-01/17/ProlusioneCardRuini.doc).

e-text

**Secondary source**, article in "Il Paese delle donne on line":

<http://www.womenews.net/spip/spip.php?article21> e-text

**Secondary source** Aduc (Association for the rights of users and consumers, *Associazione per i diritti degli utenti e dei consumatori*) publishes a dossier and an appeal to legalize the aftermorning pill RU486 as abortive method. <http://www.aduc.it/dyn/documenti/allegati/ru486dossier.pdf> (Italian),

e-text

**Secondary source**, Assembly of feminists and demonstration "Let's break the silence" (*Usciamo dal silenzio*) appeal for the demonstration: <http://www.usciamodalsilenzio.org/manifesto-14-gennaio-2006-logo.pdf>

(Italian), <http://www.usciamodalsilenzio.org/english-document.pdf>

(English). e-text

**Secondary source** Camillo Ruini, former president of the Italian Episcopal Conference (CEI),

<http://www.repubblica.it/2005/i/sezioni/politica/prodipacs/rui/rui.html> e-text

## **2006**

### **Civil partnership**

In Prodi's electoral programme one of the points regards a law to introduce the Pact for both same-sex and opposite-sex couples. However, various leaders in his coalition, particularly Francesco Rutelli, leader of moderate centre-wing party 'Daisy' (La Margherita), opposes the Civil Pacts, and instead proposes to solve the problem with a different, much lighter, solution, called "Contracts of Joint and United Life together" (*Contratti di Convivenza Solidale*), actually a private agreement between the couple members.

### **Shared custody**

Shared custody has been introduced in Italy since the phenomenon of separation and divorce is increasing and the exclusive custody of one parent seemed not to ensure the wellbeing of the children. The main principle introduced by law n. 54/2006 is that of "bi-parenthood" since the minors are entitled to maintain a stable relationship with both parents. Moreover law n. 54/2006

can be considered a shift because 'legitimate' and 'illegitimate' children are treated in the same way, demonstrating the new focus on children as individuals with rights.

Amongst others, the NGO "Pink Telephone" of Turin was very critical towards the law, stating that the shared custody would increase conflicts among parents with bad consequences, especially for the children. On the other hand, the NGOs representing separated fathers were very active in promoting the law, but complained about the lack of implementation of it.

### **Discrimination based on sexual orientation**

A new law proposal on discrimination based on sexual orientation is presented in 2006; it aims at extending protection to homosexual and transsexual citizens making explicit reference to anti discrimination principles for sexual orientation. In particular the proposal, beside work, identifies two areas where antidiscrimination measures and rights to sexual privacy have to apply: schools and health insurance. A conceptual shift has to be found in the substitution of "sex" with "gender identity", thus underlying the non-biological dimension of gender and the complexity of the identity issue. Moreover, since in Italy a law on civil partnership is still missing, this proposal wants to equalize the juridical effects of the cohabitation of homosexual partners with that of heterosexual partners (art. 4).

The law aims at transposing Resolution 8<sup>th</sup> February 1994 of the European Parliament "on equal rights for homosexuals and lesbians in the European Community" and Recommendation 26<sup>th</sup> September 2000 n. 1474 on the introduction of comprehensive antidiscrimination legislation.

**Primary source** parenthood: law n. 54/2006 "Disposizioni in materia di separazione dei genitori e affidamento condiviso dei figli" (Dispositions on parents separation and shared children custody", 08/02/2006, 3 pp., <http://www.parlamento.it/leggi/06054l.htm>, e-text.

**Primary source**, partnership, Prodi's (left-wing) electoral programme, no date, 111 pp, <http://www.zoopolitico.it/files/programmaunione.doc> e-text

**Primary source**, discrimination, Law Proposal n. 690 "Norme contro la discriminazione motivata dall'identità di genere e dall'orientamento sessuale" (Norms against discrimination based on gender identity and on sexual orientation), 15/05/2006, 5 pp.  
[http://www.differenzaingiochi.it/generale/articolo.php?tabella=attivita\\_parlamentari&id=19](http://www.differenzaingiochi.it/generale/articolo.php?tabella=attivita_parlamentari&id=19), e-text

**Primary source**, civil partnership, Law proposal n. 33 "Disciplina del patto civile di solidarietà", (Discipline of the civil pact of solidarity), 28/4/2006, 20 pp., <http://www.uaar.it/laicita/osservatorio-parlamentare/xv-legislatura/proposte-legge/pdl-2006-33.html>, e-text.

**Primary source**, adoption, law proposal by Belillo (Comunisti italiani) and others, "Modifiche alla legge 4 maggio 1983, n. 184, concernenti l'adozione dei minori da parte delle persone singole e delle coppie stabilmente conviventi", (Modification of Law 4 may 1983, n. 184, on adoption of minors by single person or persons living permanently together"), 26/07/2006, 8 pp.  
<http://www.camera.it/dati/lavori/stampati/pdf/15PDL0012060.pdf>, e-text

**Secondary source**, shared custody critical article by Maria Luisa Missiaggia (lawyer) on the main changes introduced by the law on shared custody, "L'affido condiviso è legge" (Shared custody is a law), 2006, 4 pp., [http://www.studiodonne.it/news\\_23.htm](http://www.studiodonne.it/news_23.htm), e-text

**Secondary source**: shared custody, critical Statement by the "Women jurists' association" (*Associazione donne giuriste*) on shared custody, no date, 15 pp., <http://www.forumdonnegiuriste.it/materiali/congiunto2.htm>, e-text

**Secondary source** shared custody Leaflet of a network of separated fathers' NGO, "Non toglietemi mio padre" (Don't take away my father), no date, 1 p., [http://bp2.blogger.com/\\_uSHIKoCDy5I/Rlchz6D6zSI/AAAAAAAAAM4/gezKpqqUW7U/s1600-h/Volant\\_Condiviso.gif](http://bp2.blogger.com/_uSHIKoCDy5I/Rlchz6D6zSI/AAAAAAAAAM4/gezKpqqUW7U/s1600-h/Volant_Condiviso.gif), e-text

**Secondary source** shared custody Letters to MPs, to the Ministry of Justice, no title, no date, 1 p., [http://bp1.blogger.com/\\_uSHIKoCDy5I/RabNmBfdtEI/AAAAAAAAAAQ/cpyt2GFIB7g/s1600-h/lettera\\_onorevoli.gif](http://bp1.blogger.com/_uSHIKoCDy5I/RabNmBfdtEI/AAAAAAAAAAQ/cpyt2GFIB7g/s1600-h/lettera_onorevoli.gif), e-text,

**Secondary source** shared custody, comment on law 54/2006 by two judges (Anna Zamagni and Luca Villa) of the tribunal for minors in Milan, no title, no date, 11 pp., [http://www.minoriefamiglia.it/download/milano\\_condiviso.PDF](http://www.minoriefamiglia.it/download/milano_condiviso.PDF), e-text

**Secondary source** family reunification, review article by unknown in Vita, "Immigrati: più facili i ricongiungimenti" (Migrants, easier reunification) 28/07/2006, 1 p. <http://www.vita.it/articolo/index.php3?STAMPA=S&NEWSID=70829>, e-text

**Secondary source** family reunification, «Message of the Pope Benedetto XVI for the worldwide day of migrant and refugee, "La famiglia migrante" (The migrant family), 18/10/2006, 2 pp., <http://www.ratzingerbenedettoxvi.com/giornmondmigr.htm>, e-text

## 2007

### Civil partnership

Regarding civil partnership a compromise in Parliament is found in the so-called 'DiCo' proposal (*Diritti e doveri delle persone stabilmente Conviventi*, Rights and duties of people living together on a stable basis), which extends to unmarried couples (also same-sex couples) some rights of married couples, including healthcare rights and inheritance. The proposal is now to be discussed before the full parliament.

The bishop Camillo Ruini, former president of the Italian Episcopal Conference (*CEI*), is leading a battle against any form of same sex union, even defining the "de facto couples" as unconstitutional. The Italian Constitution, in fact, in its section named "Ethical and Social Relationships" (*Rapporti Etico-Sociali*), and especially in Article 29, explicitly recognizes the family as "founded on marriage". This, however, does not per se make other forms of partnership forbidden. Moreover, in March 2007 the Italian Episcopal Conference publishes a document in which it explicitly opposes the legal recognition of same sex partnership, inviting catholic politicians to "present and sustain

laws inspired by values based on human nature, among others the family founded on the marriage between a man and a woman”.

The debate among left-wing civil society actors is generally positive but at the same time critical towards the DiCo. The criticism develops in two main directions: on one hand the family and its definition<sup>53</sup> and on the other hand the recognition of individual rights.

The DiCo proposal is expected to easily pass the lower house and faced uncertainty in the Senate where the center-left coalition's majority is weaker. In February 2007 a government crisis emerges and the civil unions proposal is put aside in order to please the Catholic part of the centre-left government. Civil society is deeply involved in the debate. A demonstration pro-DiCo is organized in March 2007<sup>54</sup> with the slogan “Rights now”<sup>55</sup> (*Diritti ora*). It is promoted by Arcigay, the biggest Italian trade union Cgil and many NGOs. Some members belonging to Prodi's government take part in it, and the first minister criticizes them.

Catholic NGOs organize for the 12<sup>th</sup> May the “family day” to reaffirm what a “normal family” should be and their opposition to DiCo. The demonstration is supported by the Catholic hierarchies and many politicians belonging to the centre-right take part in it<sup>56</sup>.

At the local level several municipalities and cities have recognized and registered de facto couples: however, most of these registers are only symbolic. Beginning in July 2004 some Italian regions also voted to support a national law on *coppie di fatto* (de facto couples), both for same-sex and opposite-sex couples.

The feminist movement and women's NGOs have most of the time declared their solidarity with LGBT persons and have clearly stated their opposition to the invasion of moral and religious arguments into the law and policy making process. One recent example is the public decision of Chiara Saraceno, one of the most prominent feminist sociologists and expert in the sociology of the family not to attend the “National Conference on Family” promoted by the Minister for Family Affairs. Rosy Bindi, the Minister (the same who worked on the “Dico's” proposal together with Barbara Pollastrini, Minister for Equal Opportunities) decided not to invite to the conference NGOs and representatives from the LGBT world, to mark the difference between their unions and ‘real’ families.

### **Family reunification**

A new bill proposal (Amato, Ferrero) on migration is presented in 2007. The most recent regulation on the topic is the legislative Decree n. 5/2007, which is the transposition of the European Directive 2003/86/CE<sup>57</sup>. Civil society actors namely Arci, Associazione giuristi democratici and some Catholic NGOs promote a debate to simplify the procedure.

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<sup>53</sup> According to Melandri, in the Italian political debate among MPs it is important not to put into question art. 29 of the Constitution, where it is stated that the family is a “natural society based on marriage”.

<sup>54</sup> See newspaper article on the demonstration:

[http://www.corriere.it/Primo\\_Piano/Cronache/2007/03\\_Marzo/10/dico.shtml](http://www.corriere.it/Primo_Piano/Cronache/2007/03_Marzo/10/dico.shtml) (Italian).

<sup>55</sup> See the organizations that took part in the demonstration at the webpage:

<http://www.dirittiora.it/adesioni.asp>.

<sup>56</sup> See this newspaper article on the demonstration: <http://www.repubblica.it/2007/05/sezioni/politica/coppie-di-fatto-8/piazza-gremita/piazza-gremita.html> (Italian).

<sup>57</sup> See: [http://www.tesseramento.it/immigrazione/pagine52298/newsattach617\\_direttive.pdf](http://www.tesseramento.it/immigrazione/pagine52298/newsattach617_direttive.pdf).

**Primary source** partnership 'DiCo' proposal "Diritti e doveri delle persone stabilmente Conviventi" (Rights and duties of people living together on a stable basis), 5 pp., [http://www.pariopportunita.gov.it/Pari\\_Opportunita/UserFiles/comunicati-stampa/dico.pdf](http://www.pariopportunita.gov.it/Pari_Opportunita/UserFiles/comunicati-stampa/dico.pdf), e-text

**Primary source**, partnership, Parliamentary committees debates (not yet debated in parliament) on civil unions, second Permanent Committee (Justice),

Session n. 60, 06/03/2007, 7 pp.,

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=254211>, e-text

Session n. 62, 14/03/2007, 9 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=259976>, e-text

Session n. 64, 20/03/2007, 6 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=260227>, e-text

Session n. 66, 27/03/2007, 7 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=260574>, e-text

Session n. 68, 03/04/2007, 4 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=262018>, e-text

Session n. 70, 11/04/2007, 8 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=262214>, e-text

Session n. 73, 02/05/2007, 5 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=263131>, e-text

Session n. 74, 08/05/2007 15 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=263277>, e-text

Session n. 75, 09/05/2007, 5 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=263335>, e-text

Session n. 77, 10/05/2007 3 pp.

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=263369>, e-text

Session n. 80, 17/05/2007 9 pp

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=263764>, e-text

Session n. 84, 05/06/2007

<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=15&id=269061>, e-text.

**Primary source** partnership, letter by the Ministry of Rights and Equal Opportunities to the second Permanent Committee, "replica della ministra per I diritti e le Pari Opportunità, Barbara Pollastrini, alla discussione generale sui "Dico" e altre proposte di legge in materia di diritti e doveri dei conviventi in Commissione Giustizia del Senato" (Reply of the Ministry for Rights and Equal opportunities, Barbara Pollastrini, on the general discussion about Dico and other law proposals regarding the duties and rights of cohabiting persons within the Senate Committee in Justice), 05/06/2007, 21 pp.,

[http://www.pariopportunita.gov.it/Pari\\_Opportunita/UserFiles/PrimoPiano/replica\\_ministra\\_pollastrini.pdf](http://www.pariopportunita.gov.it/Pari_Opportunita/UserFiles/PrimoPiano/replica_ministra_pollastrini.pdf), e-text

**Primary source** family reunification, bill proposal (Amato, Ferrero) "Disegno di legge delega al governo per la modifica della disciplina dell'immigrazione e delle norme sulla condizione dello straniero" (Law proposal to modif. The discipline on migration and the norms on the conditions of

migrants), 06/04/2007, 8 pp. <http://stranieriinitalia.com/briguglio/immigrazione-e-asilo/2007/aprile/ddl-delega-cdm.html>, e-text

**Primary source** family reunification, legislative Decree n. 5/2007 “Attuazione della Direttiva 2003/86/CE relativa al diritto di ricongiungimento familiare” (Transposition of Directive 2003/86/CE on the right of family reunification), 08/01/2007, 5 pp., <http://www.meltingpot.org/articolo9731.html>, e-text

**Secondary source** partnership, appeal of a pro-DiCo demonstration with the slogan “Rights now”, 03/2007, 1 p., <http://www.dirittiora.it/adesioni.asp>, e-text

**Secondary source** partnership: Manifesto for the “family day” by Catholic NGOs against DICO, “Piu’ famiglia. ciò che è bene per la famiglia è bene per il paese” (More family. What is good for the family is good for the country), 19/03/2007, 3 pp. <http://www.forumfamiglie.org/manifestazione/allegati/manifesto.doc>, e-text

**Secondary source** partnership, Italian Episcopal Conference “Nota del Consiglio Episcopale Permanente a riguardo della famiglia fondata sul matrimonio e di iniziative legislative in materia di unioni di fatto” (Note of the permanent Episcopal conference on family based on marriage and on legislative initiative regarding de facto unions” 28/3/2007, 3 pp., <http://www.forumfamiglie.org/manifestazione/allegati/NotaCeI.pdf> (e-text).

**Secondary source** partnership, Comment on the Dico law proposal by Boccia (feminist and Rifondazione Comunista MP), “Coppie di fatto: valorizzare i punti comuni e approvare presto la legge”, 19/07/2007, 3 pp., [http://www.womenews.net/spip3/spip.php?article721&var\\_recherche=dico](http://www.womenews.net/spip3/spip.php?article721&var_recherche=dico), e-text

**Secondary source** partnership, Comment on the Dico law proposal Gaia Maqi Giuliani, feminist “Diritti e doveri delle persone (precarie) e conviventi” (Duties and rights of (precarious) cohabiting persons), 15/02/2007, 6 pp., <http://www.differenzaingioco.it/generale/articolo.php?id=174>, e-text

**Secondary source** partnership, newspaper article by Garibaldi M., “Errore escludere gli omosessuali. Due relatori abbandonano la Bindi” (Mistake the exclusion of homosexual. Two speakers abandon Bindi), 12/05/2007, 1 p., <http://www.ellexelle.com/modules.php?op=modload&name=News&file=article&sid=1678&mode=thread&order=0&thold=0>, e-text

**Secondary source**, partnership, appeal by Trade-unionists (NIDIL-CGIL), academics, LGBT activists for the gay-marriage “Manifesto per l'eguaglianza dei diritti” (manifesto the rights equality), no date, 2 pp., <http://www.matrimoniodirittogay.it/>, e-text

**Secondary source** partnership, article by Giancarla Codrigani (feminist) “Noi, esperte di natura”, (We, expert of ‘nature’), 15/03/2007, 3 pp., <http://www.noidonne.org/index.php?op=articolo&art=1108>, e-text

**Secondary source** partnership, article by Lea Melandri (feminist) “Sacra Famiglia” (Holy family), 25/01/2007, 3 pp. <http://www.universitadedelledonne.it/> e-text

## 4. GENDER BASED VIOLENCE

### 4.1 Introduction and main actors

The main sub-issues within gender-based violence in Italy are the following:

1. **Sub-issue: Domestic violence and violence in partnership (marital rape)**
  - a. Domestic violence
2. **Sub-issue: Sexual assault and rape**
  - a. Sexual violence (rape)
3. **Sub-issue: Trafficking/prostitution**
  - a. Trafficking
4. **Sub-issue: Sexual Harassment and stalking**
  - a. Sexual harassment
5. **Sub-issue: Forced marriage, honour crimes, Female Genital Mutilations**
  - a. Female Genital Mutilations
  - b. Honour crimes

In Italy, within the issue of gender-based violence, we have identified as the main sub-issues: sexual violence, domestic violence, genital mutilations, trafficking and sexual exploitation within prostitution, harassment, bullying in the workplace. In the debates a big role has been played by institutional actors (both individual MPs and parties) and by the feminist movements especially the organizations directly involved in setting up and managing women's shelters and also NGOs active in promoting women's human rights (especially against FGM). Moreover some juridical NGOs, above all Associazione Giuristi democratici, took part in the debates. Trade unions (CGIL, CISL, UIL) played a role as well, especially regarding harassment and bullying in the workplace. Among institutional actors the Minister for Equal Opportunities was very active and some transversal networks were built among female deputies belonging both to the right-wing and to the left-wing parties.

The relevance of each sub-issue depends on the period considered, even if a *leitmotiv* in the Italian debate on gender-based violence is rape. Historically rape has been framed around the extra-domestic crime: the unknown men who rape a woman. In this construction the perpetrator is considered an alien, the media contribute to such views, evidencing the rapes committed by foreign men, making them the alien par excellence. During last few years, domestic violence starts emerging as an issue, and in 2001 a law about it is issued. Also the debate on female genital mutilations is very recent and is due especially to international pressure. It has reached a peak in 2004 when a hospital in the Tuscany region proposes the practice of 'symbolic infibulations' (see page 63). The debate on FGM in Italy is often very ideological, especially from the right-wing parties' side, framing a gap between the "emancipated western women" and "Islamic women in their obsolete condition": the former being self conscious and autonomous, the latter always subordinated<sup>58</sup>. Sexual harassment has been debated especially during the nineties, while during last year it almost disappeared from the public sphere. On the other hand trafficking became an

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<sup>58</sup> A recent book by Daniela Santanchè (a female deputy for Alleanza Nazionale, the former Fascist party) is paradigmatic of the existing discourse on foreign, especially Muslim women, as "denied women" (Santanchè 2006).

issue just recently thanks to international pressure, while prostitution as sex-work disappears (except for some prostitutes' NGOs), included in (and confused with) trafficking. The issue is nowadays debated both at parliamentary and at civil society level.

Honour crime and forced marriage starts emerging as a debate only over the last year, the debate is framed around some episodes that involved foreign women, especially second generation migrants<sup>59</sup>. In particular the debate starts emerging after the homicide of Hina Saleem, a young Pakistani woman killed by her father because of her cohabitation with an Italian man and generally speaking because of her 'liberal behaviour'. The process against the father and other family members started in June 2007<sup>60</sup> and during the first hearing Italian and Moroccan women belonging to the NGO Acmid-donna (Associazione della Comunità Marocchina delle Donne in Italia, Association of the Moroccan Community of women in Italy) demonstrated their solidarity with the killed woman in front of the tribunal. Among MPs, the deputy Santanchè (Alleanza nazionale) supported the NGO Acmid-donna. After the demonstration the vice-president of Acmid-donna, Dounia Ettaib, has been assaulted by two Moroccan men<sup>61</sup> because of her role in the demonstration. The NGO Giuristi Democratici (Democratic jurists) and the Forum Donne di Rifondazione Comunista (Rifondazione Comunista Women's Forum) made a solidarity statement in her favour.

In Italy for a long time violence against women, especially domestic, has been considered as a "personal matter", something private. During the Eighties sexual violence against women became a topic in the public arena, especially due to the women's movement and NGOs such as "Pink Telephone" (*Telefono Rosa*)<sup>62</sup>. In this period some innovative proposals are developed and after hot debates in both Parliament and in local institutions, the reform law on sexual violence is passed on February 15<sup>th</sup> 1996. However, domestic violence is directly addressed only in 2001, when law n. 154 is passed.

Italy starts to face sexual and domestic violence so late because in the past this crime was regarded as a crime against the victim's husband and father – with the man being considered as the woman's guardian or "owner" – instead of a crime against the woman herself. Moreover sexual violence against women has been hidden because of a code of silence and the victim's shame to report the crime. The Italian cultural environment did not help very much: until the end of the Sixties, for example, virginity is still considered as a part of the bride dowry. As we already highlighted, gender roles within the couple are very rigid, and a woman has the responsibility to manage the household, and part of the bride's duty is to give her husband intimate relationships. In other words: through marriage, men have the right to sexual intercourses<sup>63</sup> whatever women want.

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<sup>59</sup> See the newspaper article (unknown author) "Trovato il corpo di una giovane pakistana. Uccisa a coltellate e sepolta in gradito" (Found the corp of a young Pakistani girl. Killed with stabs and buried in the garden), *La Repubblica*, 12/08/2006, [http://www.repubblica.it/2006/08/sezioni/cronaca/pakistana-uccisa/pakistana-uccisa.html](http://www.repubblica.it/2006/08/sezioni/cronaca/pakistana-uccisa/pakistana-uccisa/pakistana-uccisa.html).

<sup>60</sup> See the newspaper article (unknown author) "Ragazza pachistana uccisa a Brescia. Sì a rito abbreviato, rinvio a ottobre" (Pakistani girl killed in Brescia. Yes to the summery procedure, Adjournment in October), *La Repubblica*, (28/06/2007), <http://www.repubblica.it/2007/06/sezioni/cronaca/hina-processo/hina-processo.html>.

<sup>61</sup> See article by Lanfranco M., "Dounia, aggredita poi cittadina italiana" (Dounia, assaulted alter Italian citizen", *Liberazione*, 03/07/2007, p. 8, <http://www.acmid-donna.it/dounia.pdf>.

<sup>62</sup> <http://www.telefonorosa.org/eng/welcome.html> (English), [www.telefonorosa.org](http://www.telefonorosa.org) (Italian).

<sup>63</sup> In 1976 a sentence of the *Corte di Cassazione* modifies the jurisprudence, stating that "the spouse who compels with violence or threat the other spouse to a sexual knowledge or intercourse commits a carnal violence crime" (*Telefono Rosa* document, <http://www.rcne.com/downloads/RCCs/Italy.doc>, English, 2003).

Until 1981 Italian legislation recognizes the murder of honour as extenuating the murder of a woman: a man who killed his wife, daughter or sister to defend his or family honour could have the penalty reduced by 1/3. However, many changes occurred during the Seventies especially due to the feminist movement, in 1979 the first proposal on sexual violence has to be found. It is promoted by the MLD (Women Liberation Movement, *Movimento per la liberazione della donna*, close to the Radical party), UDI (Italian Women Union, *Unione Donne Italiane*, close to the Communist Party), and other feminist groups.

Sexual behaviours and gender roles changed a lot during the last thirty years, but still nowadays surveys carried out by Telefono Rosa and by other NGOs underline that more than 80 per cent of ill treatment towards women is domestic violence committed by a partner. These violent men “do not belong to pathological situations of social, economical or sanitary hardships or to deviancy. On the contrary, their violent behaviour seems to belong to an apparent normality”<sup>64</sup>.

Regarding violence in cities, in 1994 the European Commission set out a community action aimed at problematic urban areas. Local government authorities are the beneficiaries and agents implementing the programme. 16 cities are involved in Italy and the Community programme is unique at the national level. Urban Italy includes from the very beginning the issue of abuse against women and the related services – both preventive and combating its effects<sup>65</sup> – provided by the local authorities<sup>66</sup>.

Trafficking starts to be an issue in Italy after the Beijing Platform for Action: it is introduced in the 1997 Prodi-Finocchiaro directive (see the first part of the report). Italy ratifies in 2005 the Convention n. 197 on Action against Trafficking in Human Beings promoted in the same year by the European Council. The Italian debate on trafficking and on the instruments to combat it is focused on trafficking for sexual exploitation, without considering other possible trafficking purposes.

The Italian approach to trafficking, and to prostitution in general, is the “moral one” (Popova 2006), aiming at helping women under the condition that they are willing to leave prostitution. The “rights” approach to trafficking in women is not taken into consideration. It understands trafficking in the broad context of female labour migration. In this context, transnational crime and prostitution is not the heart of the issue, rather it is the irregular status of the women concerned (Andrijasevic, 2004). The “rights” approach addresses a wide range of gender issues which make women more vulnerable to human trafficking, for example, the world-wide demand for female labour migration into unregulated market areas, e.g. domestic labour, prostitution, forced marriage, the entertainment industry etc.

Harassment in Italy has historically had the connotation of sexual harassment (see first law proposal by Smuraglia in 1992). Sexual harassment in Italy became an issue during the Nineties. Many law proposals on sexual harassment in the workplace have been presented during years where the general frame was that of equal opportunities. Art. 61 of legislative Decree n. 29/1993

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<sup>64</sup>: Pink Telephone document (*Telefono Rosa*): <http://www.rcne.com/downloads/RCCs/Italy.doc> (English).

<sup>65</sup> We are talking about projects aimed at funding and setting up Anti-Abuse centres and Safe Haven centres for battered women. A national Anti-abuse Network is established in 8 out of the 16 Urban Cities (<http://www.retepariopportunita.it/DefaultDesktop.aspx?doc=119>).

<sup>66</sup> See “sexy shock” campaign against urban violence in Bologna: <http://www.ecn.org/sexyshock/menu2.htm>.

on work within public administrations, for example, states the priority to guarantee equal opportunities between men and women in the access and treatment in the workplace. Equal opportunities also influenced the implementation of policies aimed at combating sexual harassment.

During the last decade, due to increasing immigration rates, female genital mutilation becomes an issue in Italy. The front against genital mutilations in Italy seems very united. The debate on genital mutilations is framed around the concepts of women rights (as human rights) and of women's health. Some NGOs, namely AIDOS (Italian Association for Women in Development, *Associazione Italiana Donne per lo Sviluppo*), NPSG (No peace without justice, *Non c'è pace senza giustizia*) and TAMWA (Tanzanian Media Women Association) play a big role in the emergence of the debate even if the public debate involving all media started in 2004 (see below).

## 4.2 Timeline

### 1996

#### Sexual assault and rape

Law n. 66/1996 constitutes a shift not only because sexual violence is finally considered a crime against the person, but also because it unifies in one crime what was previously considered as two different crimes: carnal knowledge and sexual violence that becomes "sexual violence". Such unification underlines the importance of consent in choosing how to use one's body. The aim of the law is to punish violent sexual acts or carnal knowledge undertaken without mutual agreement.

According to the NGOs the most doubtful part of the law is the last paragraph of article 3 – law number 609 *bis* of the criminal code – which states that in the cases of least gravity, the penalty can be reduced up to two thirds, thus the discretion of the judge plays a big role. It aims at avoiding the punishment of crimes of different gravity with a universal strict sentence.

Since some MPs were afraid that sexual harassment could have been treated as rape<sup>67</sup>, law n. 66/1996 states the possibility of reducing the penalty up to a maximum of two thirds for less serious cases. And again article 3 of the law provides for 5 to 10 years of imprisonment.

#### Sexual harassment

The first proposal is in 1996. The proposal has been ignored for long time both in the Parliament and among judges and lawyers (De Simone 2005). Taking into consideration the scarce attention given to these issues, sexual harassment has increasingly coincided with discrimination<sup>68</sup> in Italian jurisprudence and debate, this is the reason why we choose to treat them together.

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<sup>67</sup> These two different crimes have been unified by the new Italian law (i. e. after the removal in legal terms of the sexual violence).

<sup>68</sup> Art. 1 of law n. 125/1991 provides a wide definition of discrimination that includes also harassment. Generally speaking the Italian jurisprudence interprets sexual harassment as gender discrimination (De Simone 2005).

**Primary source** sexual assault, law n. 66 “Norme contro la violenza sessuale” (Norms against sexual violence), 5 pp., [http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Violenza/L\\_num66\\_15\\_02\\_96.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Violenza/L_num66_15_02_96.pdf), e-text.

**Primary source** sexual harassment, law proposal n. 41 “Norme Penali contro le molestie sessuali” (Penal norms against sexual harassment), 09/07/1996, 1 p., [http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Disegno-di-legge-n.-41.rtf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Disegno-di-legge-n.-41.rtf) e-text

## 1997-1999

### Sexual harassment

At the end of the Nineties the debate on sexual harassment and discrimination shifts toward the issue of bullying. The general definition of bullying is sexualized because it includes oppressive behaviour from colleagues or bosses as a consequence of a refusal of sexual advances. Some newspaper articles as well as the results of some studies<sup>69</sup> highlight the phenomenon. Trade unions start to deal with this emerging issue and promote seminars and training for their officials<sup>70</sup>. The first law proposal was in 1996, but most of the proposals are introduced after 1999 even if no one of these became law.

**Secondary source:** Reviewarticle: by Orecchio D. in *Rassegna sindacale*, n.38, 2 novembre 1999 “Bullying. Presentato un disegno di legge” (Bullying. A law proposal presented), 02/11/1999, 2 pp., [http://www.unicam.it/ssdici/mobbing/mobb12\\_00.html](http://www.unicam.it/ssdici/mobbing/mobb12_00.html), e-text

## 1998

### Sexual assault and rape

In 1998 the Italian Supreme Court issues a sentence (n. 1636, 6 Nov. 1998) that overturned a rape conviction in part because the victim was wearing jeans. The sentence stated that it is difficult for the perpetrator to remove victim's jeans without her help, therefore the woman must have assisted him with the partial removal of the trousers and could not have been raped by the defendant (Van Cleave 2005). This sentence immediately enters the public debate: Alessandra Mussolini (MP, Alleanza Nazionale) organizes a protest and together with other right-wing women MPs goes to the Parliament wearing jeans and holding placards reading “Jeans: an alibi for rape”.

### Trafficking

Measures against trafficking are treated in art. 18 of the Law on immigration, Art. 18 has been widely recognized to be innovative and a good practice at international level. It is inserted within the humanitarian aid section and allows a residence permit with or without victims' legal report to

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<sup>69</sup> Ege H. (1996), *Mobbing. Che cos'è il terrore psicologico sul posto di lavoro*, Pitagora, Bologna. Gilioli a., Gilioli E.. (2000) *"Cattivi capi, cattivi colleghi". Come difendersi dal mobbing e dal nuovo capitalismo selvaggio*, Mondadori Milano.

<sup>70</sup> See for example: Fattorini E. (2002) Il mobbing in numeri, in *Atti del Corso di Formazione sul Mobbing*, promosso dal Centro Studi CISL di Firenze, 16-17-18 aprile 2002, Staiano R (2002), *Il mobbing in Italia: dalle molestie sessuali alle vessazioni sul posto di lavoro*, in *Atti del Convegno dell'8 marzo 2002 "Mobbing come e quando"*, promosso dalla CGIL, Salerno, 2003

the police. It is usually Non profit organizations which organize and implement different services devoted to trafficked women<sup>71</sup>.

**Primary source** Trafficking, art. 18 law n. 40 "Disciplina dell'immigrazione e norme sulla condizione dello straniero." (Discipline on migration and norms on the condition of the migrant), 06/03/1998, 2 pp., <http://www.camera.it/parlam/leggi/98040l.htm>, e-text.

**Primary source** Sexual violence: sentence n. 1636, on wearing jeans as a means to grant extenuation, 06/11/1998, 6 pp.  
[http://www.cittadinolex.kataweb.it/article\\_view.jsp?idCat=75&idArt=2202](http://www.cittadinolex.kataweb.it/article_view.jsp?idCat=75&idArt=2202), e-text

**Secondary source:** genital mutilation, statement on the national Bioethical Committee, "La circoncisione: profili bioetici" (Circumcision: bioethical profiles), 25/09/1998, 13 pp., <http://www.governo.it/bioetica/testi/250998.html>, e-text

## 1999

### Sexual assault

The reaction against the sentence n. 1636, 6 Nov. 1998, on wearing jeans as a means to grant extenuation is strong also outside the Parliament: an appeal against this sentence is written by well-know women belonging to the political, cultural, scientific and social Italian scene.

**Primary source**, sexual assault and rape, Parliamentary debate on the sentence n. 1636, 6 Nov. 1998, Session n. 483, 11/02/1999, 10 pp.,  
<http://www.camera.it/dati/leg13/lavori/stenografici/sed483/s000r.htm> (pp. 37-42), e-text  
<http://www.camera.it/dati/leg13/lavori/stenografici/sed483/s000r.htm> (pp. 46-50), e-text

**Primary source**, domestic violence, Parliamentary debate on bills against domestic violence, Senato, Session n. 605, 29/04/1999, 7 pp.,  
<http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=13&id=5306>, e-text.  
Session n. 606, 29/04/1999, 33 pp.,  
<http://www.senato.it/leg/13/BGT/Testi/Resaula/00005307.htm>, e-text.

**Secondary source**, sexual assault and rape, newspaper article (La Repubblica), 10/02/1999, Con i jeans lo stupro diventa "consenziente" (Wearing jeans makes rape consenting) <http://www.repubblica.it/online/fatti/jeans/jeans/jeans.html>, 1 p.

**Secondary source**, sexual assault and rape, appeal, newspaper article (La Repubblica), 12/02/1999, Dieci firme contro: "Sentenza che offende" (Ten Signatures against: "offensive sentence") <http://www.repubblica.it/online/fatti/jeans/appello/appello.html>, 1p.

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<sup>71</sup> A Report on the Activities of the NGO "On the road" on the implementation of art. 18 is available at the website: [http://www.ontheroadonlus.it/rootdown//RelFinaleArt18\\_Avviso5\\_17mag04\\_16giugno05.pdf](http://www.ontheroadonlus.it/rootdown//RelFinaleArt18_Avviso5_17mag04_16giugno05.pdf) (Italian).

## 2000

### Trafficking

In 2000 a report is presented by the Parliamentary Inquiry Commission on trafficking of human beings. The report presents the main results in the implementation of the projects deriving from art. 18 (law 40/1998) and makes some suggestions to improve the policies. In 2000 the Department for Equal Opportunities, which is in charge of managing projects financed through art. 18, signs an Agreement with NGOs and local institutions to implement 49 projects of social protection. During the summer of the same year a “free phone number” on trafficking is activated, working 24 hours a day, and there is a campaign aimed at letting trafficked women know about art. 18, at the same time as it aims towards sensitizing citizens.

**Primary source:** Parliamentary Inquiry Commission on trafficking of human beings “Relazione sul traffico degli esseri umani” (Relation on the trafficking of human beings), 05/12/2000, 107 pp., [http://www.cestim.it/argomenti/14irregolari/14clandestino\\_traffico-di-esseri-umani\\_camera.htm](http://www.cestim.it/argomenti/14irregolari/14clandestino_traffico-di-esseri-umani_camera.htm), e-text

## 2001

### Domestic violence and violence in partnership (marital rape)

In Italy domestic violence is tackled in 2001 within the law n. 154 called “Measures against domestic violence”. In the past violence within the family was considered a legitimate instrument to “correct” women’s behaviour, this idea slowly disappears but domestic violence has long been considered something private. Law n. 154 follows a proposal of the National Commission for Equality (*Commissione Nazionale Parità*) and the lobbying action from the anti-violence centres all over Italy.

The law aims at quickly expelling the violent partner from the house (husband or cohabiting partner). It is both a civil and a criminal measure, falling under both civil and criminal jurisdiction, aimed at offering protection. The measures considered by the law are very wide, no definition of abuse within the family is to be found in the law, thus including any kind of behavior.

The protection is provided as a maximum six-month long measure, extendable for another period by the judge if there are serious reasons (in said period the partners must solve the conflicts by remaining together or choose to separate). It can be enforced quickly and provides for the removal of the perpetrator and not of the victim.

The victim is also entitled to get a cheque for maintenance (alimony). Also provided is the possibility of intervention of the local social services and family mediation centres to offer support therapy to the couple and to develop a general strategy of aid and assistance. According to the NGO Pink Telephone (*Telefono Rosa*), the greatest barrier to developing this measure lays in the fragmentary jurisdiction of judges in Italy who unfortunately do not work in the same way as judges in America who work only in one court, the “Family Court”. Another weak point, according to the anti-violence centre “Le Nereidi”, is that the law recommends engagement with the family mediation centres or the anti-violence centres, but no obligations are clearly imposed. The support system is thus not well developed.

## Genital mutilation

The first institutional initiative is in 1999, when the Minister for Equal Opportunities establishes a Commission aimed at outlining a general project against FGM, but this Commission will be suppressed.

Law proposal n. 150, the first in Italy, is presented in 2001 by MPs belonging to Lega Nord, a xenophobic party. It is called “Dispositions on the prohibition of sexual mutilations” (*Disposizioni concernenti il divieto delle pratiche di mutilazione sessuale*). More than being framed as gender based violence, law proposal n. 150 has a culturalist paradigm: migrants bring to Italy cultures, religions and habits incompatible with Italian culture. Genital mutilations are thus forbidden not only because the state has to assure personal dignity and moral and physical integrity, but also because they are against Italian culture.

**Primary source** Domestic violence, law n. 154, “misure contro la violenza nelle relazioni familiari” (“Measures against violence in familiar relationships”), 4/04/2001, 3 pp  
[http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Violenza/L\\_num154\\_04\\_04\\_01.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Violenza/L_num154_04_04_01.pdf), e-text

**Primary source**, Domestic violence, Parliamentary debate, Discussione del disegno di legge: S. 2675 - Misure contro la violenza nelle relazioni familiari (approvato dal Senato) 29/01/2001, Session n. 847, 12 pp.,  
<http://www.camera.it/dati/leg13/lavori/stenografici/sed847/s060r.htm> (pp. 30-41) e-text  
30/01/2001, Session n. 848,  
<http://www.camera.it/dati/leg13/lavori/stenografici/sed848/s280r.htm> (pp. 32-34) e-text,

**Primary source** Genital mutilations, law proposal n. 150 “Disposizioni concernenti il divieto delle pratiche di mutilazione sessuale” (Dispositions on the prohibition of genital mutilations), 30/05/2001, 8 pp.,  
<http://legxiv.camera.it/dati/leg14/lavori/stampati/pdf/14PDL0020160.pdf>, e-text

## 2002

### Trafficking

After 3 years of implementation of art. 18 (Law 40/1998) the Minister for Equal Opportunities Stefania Prestigiacomo (Forza Italia, Berlusconi’s party), organizes a meeting to evaluate the work done. Speakers within the conference are both institutional actors and NGOs (both Catholic and secular, namely feminist) who directly implemented the projects connected to art. 18.

As the research on the social services on trafficking undertaken by Popova (2006) highlights, the issues emerging from the implementation of art. 18 regard not only legal provisions, but also administrative tasks. Assisting programmes are implemented by different actors and phases, thus the different subjects involved bring different understandings of the problem. Scarce “resources and proficiency of the social workers as well as the institutional ideology and assistants’ social and cultural stereotypes, e.g. attitude to prostitution, to female migrants, gender relationships etc. can considerably impact the formulation of help measures and programmes” (Popova 2006 : 72).

**Secondary source** trafficking Conference organized by the ministry of Equal Opportunites, "Inferno tratta. Il dovere di reprimere. L'impegno di salvare" (Hell trafficking. Duty to repress. Effort to save", 10/12/2002, 120 pp.

[http://www.pariopportunita.gov.it/Pari\\_Opportunita/UserFiles/Servizi/Pubblicazioni/inferno%20tratta.pdf](http://www.pariopportunita.gov.it/Pari_Opportunita/UserFiles/Servizi/Pubblicazioni/inferno%20tratta.pdf), e-text

## 2003

### Trafficking

Law n. 228/2003 only addresses the victims of trafficking and is titled "Measures against trafficking of people" (Misure contro la tratta di persone). The first law proposal was presented in 1999 by Anna Finoccharo, an MP belonging to the centre-left coalition.

According to judge Maria Grazia Giammarinaro, (giudice per le indagini preliminari del tribunale di Roma, NGO Judit), law n. 228/2003, following the positive results of the policies implemented due to art. 18 law 40/1998, penalties nevertheless are not appropriate for the crime; until now most sentences were about exploitation of prostitution and not enslavement. Secondly women's rights during penal procedure should be better protected, making sure that interventions don't become a further stress or victimization factor. This could derive from the inadequate treatment by police or judges.

### Sexual harassment

Following the Italian frame in which sexual harassment in the workplace is included in equal opportunities policies, many public administrations (including Regions, provinces, Municipalities, Hospitals and Universities) introduced Code of conducts addressing issues of harassment, sexual harassment and bullying.

**Primary source** Trafficking, law n. 228 "Misure contro la tratta di persone" (Measures against trafficking of persons), 11/08/2003, 8 pp., [http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/Nazionale/Sfruttamento\\_e\\_tratta/L\\_num228\\_11\\_08\\_03.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/Nazionale/Sfruttamento_e_tratta/L_num228_11_08_03.pdf), e-text.

**Primary source** discrimination based on sexual orientation in the workplace, Legislative decree n. 216 "Attuazione della direttiva 2000/78/CE per la parità di trattamento in materia di occupazione e di condizioni di lavoro" (Transposition of Directive 2000/78/CE for parity of treatment on occupation and working conditions), 09/07/2003, 6 pp., <http://www.camera.it/parlam/leggi/deleghe/testi/03216dl.htm>, e-text

**Primary source** Genital mutilations, law proposal n. 4204, "Disposizioni concernenti la prevenzione e il divieto delle pratiche di mutilazione genitale femminile" (Dispositions on the prevention and prohibition of practices of female genital mutilation), 24/07/2003, 8 pp. <http://legxiv.camera.it/dati/leg14/lavori/stampati/pdf/14PDL0047920.pdf>, e-text

**Primary source** sexual harassment, Code of Conduct of the Region Piemonte "Codice di condotta per la tutela della dignità delle lavoratrici e dei lavoratori della Regione Piemonte" (Code of conduct

to preserve dignity of female and male workers of the Region Piemonte) 28/05/2003, 14 pp., <http://www.regione.piemonte.it/pariopp/dwd/codcondotta.pdf>, e-text

**Secondary source** sexual violence, domestic violence and harassment, Telefono Rosa (NGO) document, no title, 2003, 3 pp. , <http://www.rcne.com/downloads/RCCs/Italy.doc>, e-text

**Secondary source**, domestic violence, feminist article by women shelter lawyer Katia Fisicaro, “Violenza in famiglia. Molti pregi e qualche difetto della legge 154 contro gli abusi familiari” (Violence within the family. Many qualities and some defects of Law 154 against familial abuses”), 12/2005, 1 p.

<http://www.noidonne.org/index.php?op=articolo&art=500>, e-text

**Secondary source**, trafficking, article by Giammarino M.G., judge belonging to the NGO Judit: “Riflessioni sull’applicazione della legge 11 agosto 1993, n. 228 “Misure contro la tratta di persone”. Aspetti positive e nodi critici” (Reflections on the implementation of Law 11<sup>th</sup> August 2003, n. 228 “Measures against the trafficking of people”. Positive and critical aspects), no date, 10 pp. <http://www.giudit.it/documenti/leggetratta.pdf> (Italian), e-text

## 2004

### Genital mutilations

An initiative that created a strong debate comes from the Tuscany region. In 2004 the “Regional Centre against female mutilations” (*Centro regionale contro le mutilazioni femminili*) based in the Careggi Hospital proposed a reduced and non invasive version of the ritual (some small punctures over the clitoris) to preserve the symbolic sense of the practice and to mediate between defence of small girls’ rights to their bodily integrity and cultural rights of their ‘communities’. The gynaecologist Omar Abdulkalil explains: “the ritual is safe through a painless and non harmful practice”. The national bioethical Committee expressed a negative opinion on the practice in 1998, while the regional bioethical committee wrote a positive statement on the soft excision experimentation in 2004. Also in Parliament the debate is hot and mainly against the Tuscany initiative. Right-wing MPs expressed hard positions, shifting from the issue of FGM itself to the “clash of civilizations” and the need to protect human rights of female immigrants. Also many leftist MPs were completely against the symbolic practice because “even if the experimentation tries to reduce the damage, it means accepting it” (Marida Bolognesi, DS MP). A women’s migrant association of Tuscany, namely “Nosotras”, are against the practice because they were not asked if this could be acceptable to them.

In any case the initiative created a public debate and FGM were no longer hidden in the domestic and private sphere. Moreover it highlighted the complex connection between migration, women’s rights, cultural/communitarian rights and public policies<sup>72</sup>.

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<sup>72</sup> For a critical approach to public policies in a gender perspective regarding FGM see Facchi A., “Genital modifications and public intervention: some notes in a gender perspective” (*Modificazioni genitali e intervento pubblico: alcuni rilievi nella prospettiva di genere*), <http://www.juragentium.unifi.it/it/forum/mg/facchi.htm> (Italian).

**Primary source** sexual harassment “Codice di condotta dell’Università di Padova” (Code of conduct of the University of Padova), 27/01/2004, 7pp., [http://www.unipd.it/stdoc/regolamenti/codice\\_condotta.pdf](http://www.unipd.it/stdoc/regolamenti/codice_condotta.pdf), e-text

**Primary source**, genital mutilations, Parliamentary (low chamber) debates on the Tuscany initiative, Session n. 410, 21/01/2004, 12 pp, [http://www.camera.it/\\_dati/leg14/lavori/stenografici/Sed410/s140r.htm](http://www.camera.it/_dati/leg14/lavori/stenografici/Sed410/s140r.htm), e-text

**Primary source**, genital mutilations, Parliamentary (low chamber) debates on law proposal against genital mutilations,

Session n. 446, 29/03/2004, 17 pp,

[http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed446/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed446/s000r.htm) (general discussion), e-text.

Session n. 458, 28/04/2004, 9 pp.

[http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed458/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed458/s000r.htm) (on the refugee status to guarantee to mutilated women), e-text.

Session n. 459, 29/04/2004, 48 pp.

[http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed459/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed459/s000r.htm) (on the refugee status to guarantee to mutilated women), e-text.

Session n. 461, 04/05/2004, 18 pp.,

[http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/\\_dati/leg14/lavori/stenografici/framedina\\_m.asp?sedpag=sed461/s000r.htm](http://wai.camera.it/chiosco.asp?sMacrosezione=Docesta&source=&position=Organi%20Parlamentari\L'Assemblea\Resoconti%20dell'Assemblea&content=/_dati/leg14/lavori/stenografici/framedina_m.asp?sedpag=sed461/s000r.htm), (on the refugee status to guarantee to mutilated women), e-text.

**Secondary source** genital mutilations, newspaper article by Bocci M., La Repubblica, “L’infibulazione è sempre barbarie” (Infibulation is always barbarism), 22.01.2004, 2 pp.

<http://www.cgil.it/firenze/struttura/donne/infibulazione.htm>, e-text

**Secondary source** genital mutilations, Regional bioethical Commission “Prevenzione delle mutilazioni genitali femminili (MGF): liceità etica, deontologica e giuridica della partecipazione dei medici alla pratica di un rito alternativo” (Prevention of female genital mutilations (FGM), ethical, deontological, juridical lawfulness of doctors’ participation in the alternative ritual practice) 09/03/2004, 16 pp.

[http://www.salute.toscana.it/parliamodi/bioetica/Documenti\\_CRB/MGF.pdf](http://www.salute.toscana.it/parliamodi/bioetica/Documenti_CRB/MGF.pdf) (Italian), e-text

**Secondary source** genital mutilations newspaper article by Vantaggiato I. (il Manifesto) “No discount on mutilations”, (Niente sconti sulle mutilazioni), 22/01/ 2004, pp. 3,

<http://www.cgil.it/firenze/struttura/donne/infibulazione.htm>, e-text

**Secondary source**, genital mutilations, newspaper article by Chiari R. (Il Manifesto), “Infibulazione morbida per le straniere” (Soft infibulations for foreign women), 22/01/2004, 3 pp.

<http://www.cgil.it/firenze/struttura/donne/infibulazione.htm>, e-text

**2005**

**Primary source:** genital mutilations, parliamentary (Commission on justice) debate, 22/12/2005, 9 pp.,

[http://www.senato.it/documenti/repository/commissioni/stenografici/14/comm02/02a\\_20051222p2a\\_DL\\_1779.pdf](http://www.senato.it/documenti/repository/commissioni/stenografici/14/comm02/02a_20051222p2a_DL_1779.pdf) , e-text.

**2006**

### **Sexual assault and rape**

A sentence issued in 2006 (n. 22049, 19 may 2006), conflicting with the previous one n. 1636/1998 on wearing jeans as extenuating circumstance, states that the reliability of a victim of sexual violence is not compromised if she is wearing jeans when raped. Wearing jeans does not mean to give effective cooperation in the sexual intercourse.

### **Genital mutilations**

In 2006 law n. 7/2006 is passed. It is called "Dispositions on prevention and prohibition of female genital mutilations" (*Disposizioni concernenti la prevenzione e il divieto delle pratiche di mutilazione genitale femminile*).

### **Trafficking**

Trafficking has completely entered the Italian debate: media, politicians, civil society actors all agree against it. Nevertheless much confusion between prostitution and trafficking emerges, and they are treated as if they were exactly the same phenomenon. Some NGOs defending prostitutes' rights and others working on transgender rights intervene within the public sphere to clear distinctions between prostitution and trafficking trying to reframe the discourses.

**Primary source** Sexual assault and rape, sentence n. 22049, 19 May 2006 on wearing jeans not as a mean to grant extenuation, 19/05/2006, 4 pp,

[http://www.iureconsult.com/areeatema/reati/violenza\\_sessuale\\_e\\_jeans\\_/index.htm](http://www.iureconsult.com/areeatema/reati/violenza_sessuale_e_jeans_/index.htm), e-text

**Primary source** Genital mutilations: law n. 7/2006 "Disposizioni concernenti la prevenzione e il divieto delle pratiche di mutilazione genitale femminile" (Dispositions on prevention and prohibition of female genital mutilations), 09/01/2006, 3 pp,

<http://www.parlamento.it/parlam/leggi/060071.htm>, e-text

**Primary source**, honour crime, parliamentary debate, Session n. 38, 20/9/2006, 3 pp.

<http://www.camera.it/dati/leg15/lavori/stenografici/sed038/s200.htm>, e-text

**Secondary source:** trafficking, letter by civil society actors (Co.Di.Pe.P. [Committee for the defence of prostitutes persons] Comitato per I diritti civili delle prostitute [Committee for prostitutes' civil rights] Mit [Movement of transsexual identity], "Lettera di protesta" (Letter of protest), 12/09/2006, 4 pp., <http://www.lucciole.org/comunicati/lettera-di-protesta.html>, e-text.

**Secondary source** domestic violence, newspaper article by De Gregorio C., La Repubblica, “Stupri, molestie e violenze in casa: giro di vite e condanne più dure” (Rapes, harassments and violence at home: turn of the screw and heavier sentences”), 02/12/2006, 3 pp., <http://www.repubblica.it/2006/12/sezioni/cronaca/violenze-casa/violenze-casa/violenze-casa.html>, e-text.

**Secondary source**, sexual assault “Violenza Sessuale: Lettera Aperta Di Un Gruppo Di Senatrici E Senatori Dell'unione Al Presidente Del Consiglio Romano Prodi E Ai Ministri: Pollastrini, Bindi, Mastella E Ferrero” (Sexual violence: Open letter by a group of women and men senators to the President of the Council Romano Prodi and to Ministries: Pollastrini, Bindi, Mastella E Ferrero 20/12/2006, 1p. <http://www.differenzaingioco.it/generale/articolo.php?id=208>, e-text

**Secondary source**, sexual assault, dossier by the NGO Giuristi democratici “Violenza sulle donne: parliamo di femminicidio” (Violence on women. Let’s talk about womancide”, 05/10/2006, 47 pp. <http://files.giuristidemocratici.it/Zfiles/20061005165857.pdf>, e-text

## 2007

### **Domestic violence and violence in partnership (marital rape)**

A more general bill on violence is presented in February 2007 by the Minister for equal opportunities Barbara Pollastrini, the Minister for Family, for Justice and for Social Solidarity: “Measures to sensitize and prevent, as well as repress crimes against the person and within the family, caused by sexual orientation, gender identity and any other cause of discrimination”. The law is focused on violence, within or outside the family, based on gender and other kinds of discrimination.

Feminist NGOs, especially the ones managing women’s shelters, react positively to the proposal: a women’s shelter in Milan, for example, underlines how art. 3 on stalking fulfils a lack of concrete measures in the previous legislation. Others are more critical: Marina Pasqua (lawyer of anti-violence centres) for example, states that the law is generally pro-human rights, but completely de-gendered. Moreover it is ambiguous since it tries to protect incompatible needs: the centrality of the family and gender based violence. Art. 8 affirms that family reunification is one of the services devoted in favour of the victim. In June the NGO Giuristi Democratici (Democratic Jurists) presents a dossier to the Parliamentary Committee on Justice, in charge of discussing the bill, and proposes some modifications. The bill is criticized, in a similar way as some anti-violence centres are, because women are not considered as individual with a complex subjectivity, but reduced to the role of wife, mother, and victim needing help. The aim of the law seems that of ensuring the moral integrity and the reconciliation of the family unit. Moreover the law does not seem able to intervene in the unequal distribution of power between men and women in a relationship.

### **Trafficking**

The “Inter-ministerial Commission to support victims of trafficking, violence and serious exploitation” (*Commissione interministeriale per il sostegno delle vittime di tratta, violenza e grave sfruttamento*) is established. It works within the Department for Rights and Equal Opportunities. In

the same year, the regulatory scheme to establish, organize and manage the Anti trafficking Commission is passed.

### **Honour crime**

During the first hearing of the process against the killers (father and relatives) of a Pakistani woman, a demonstration is organized by the NGO Acmid-donna (Association of the Moroccan community women in Italy) in solidarity with the victim. The vice-president of the NGO is assaulted some days later by two Moroccan Men for her participation. The NGO Giuristi democratici (Democratic Jurists) writes a solidarity statement in her favour.

**Primary source:** sexual assault, parliamentary debate (Commission on justice), Disposizioni in materia di violenza sessuale ed introduzione nell'ordinamento del delitto di molestia insistente (Dispositions on sexual violence and introduction of the crime of stalking) C. 950 Lussana, C. 1249 Bianchi, C. 1256 Nan, C. 1374 Caparini, C. 1819 Lussana, C. 2033 Brugger, C. 1901 Codurelli, C. 1823 Prestigiacomo, C. 2101 Mura, C. 2169 Governo e C. 2385 Angela Napoli, 06/06/2007, 9 pp. <http://www.grillini.it/show.php?4467>, e-text

**Primary source** Violence (within and outside the family): law proposal n. 2169, "Misure di sensibilizzazione e prevenzione contro la violenza in famiglia, di genere e contro le discriminazioni" "Measures to sensitize and prevent, as well as repress crimes against the person and within the family, caused by sexual orientation, gender identity and any other cause of discrimination", 15/01/2007, 36 pp., [http://www.pariopportunita.gov.it/Pari\\_Opportunita/UserFiles/PrimoPiano/ddl\\_violenza.pdf](http://www.pariopportunita.gov.it/Pari_Opportunita/UserFiles/PrimoPiano/ddl_violenza.pdf), e-text.

**Primary source,** Trafficking, Schema regolamento recante le norme per la costituzione, la riorganizzazione e il funzionamento della "Commissione interministeriale per il sostegno delle vittime di tratta, violenza e grave sfruttamento" relazione illustrativa, (regulatory scheme of the Inter-ministerial Commission to support victims of trafficking, violence and serious exploitation, relazione illustrative), 03/2007, 8 pp. [http://www.retepariopportunita.it/Rete\\_Pari\\_Opportunita/UserFiles/Normativa/progress/schema\\_dl\\_commissione\\_tratta\\_relazione\\_illustrativa.pdf](http://www.retepariopportunita.it/Rete_Pari_Opportunita/UserFiles/Normativa/progress/schema_dl_commissione_tratta_relazione_illustrativa.pdf), e-text

**Primary source,** honour crime, parliamentary debate, Session n. 113, 21/02/2007, 16 pp. <http://new.camera.it/dati/leg15/lavori/stenografici/sed113/pdfs001.pdf>, e-text

**Secondary source,** domestic violence, dossier on Law proposal n. 2169 by the NGO Giuristi democratici, "Dossier in materia di violenza di genere" (Dossier on gender violence), 26/06/2007, 67 pp, <http://files.giuristidemocratici.it/Zfiles/20070627101134.pdf> e-text

**Secondary source** domestic violence by Amorevole R., Noi Donne, "Un disegno a tre mani" (A bill drew by three hands), 02/2007, 3 pp, <http://www.noidonne.org/index.php?op=articolo&art=1072>, e-text.

**Secondary source** domestic violence, feminist review article by the editorial staff, « La parola alle donne” (the floor to women), 27/02/2007, 2 pp., <http://www.noidonne.org/index.php?op=articolo&art=1071>, e-text.

**Secondary source** domestic violence article by Pasqua M., lawyer of an anti-violence centre, Il disegno di legge dello (s)concerto: (the law proposal of disconcertment), no date, 2 pp., <http://www.universitadelledonne.it/pasqua.htm>, e-text.

**Secondary source** honour crimes, solidarity statement of the NGO Giuristi democratici, 02/07/2007, 1 p., [http://www.giuristidemocratici.it/what?pub\\_section=Comunicati&news\\_id=20070705180107&doc\\_title=Solidariet%C3%A0%20Dounia%20Ettaib](http://www.giuristidemocratici.it/what?pub_section=Comunicati&news_id=20070705180107&doc_title=Solidariet%C3%A0%20Dounia%20Ettaib), e-text

**Secondary source**, violence, UDI (Unione donne italiane) « Le proposte dell'Udi rispetto alla legge sulla violenza sessuale in discussione alla Camera » (Udi's proposal about law on sexual violence discussed in the Parliament », 20/06/2007, 3 pp. <http://www.differenzaingioco.it/generale/articolo.php?id=208>

**Secondary source**, violence, La Rete dei Centri antiviolenza e delle Case delle donne (Network of anti-violence centres and of women's shelters) Documento sulla proposta di legge "Misure di sensibilizzazione e di prevenzione contro la violenza in famiglia, di genere e contro le discriminazioni": richiesta di miglioramenti. (Document on the bill «Measures to sensitize and prevent violence within the family, against gender violence and discrimination”: request of improvements 21-22/04/2007, 10 pp. <http://www.differenzaingioco.it/generale/articolo.php?id=208>

## 5. CONCLUSIONS

### Relative importance of topics in the sub issues in Italy

Generally speaking the major gendered debates within the QUING period concern assisted reproduction methods, reconciliation of work and family life, violence (first rape and then domestic violence), and civil partnership (even if the debated law proposal recently disappeared from the agenda).

Debates on non employment in Italy between 1995 and 2007 have been focused primarily on sub issues like reconciliation of work and family life, care and domestic work, and just recently pensions, especially if we think of those debates which have had an explicit gendered approach. Political confrontation about many of the related sub issues has been significantly non-gendered.

On intimate citizenship the debate has been widely influenced by the Catholic church, thus within the assisted reproduction methods debate the frame has been that of the beginning of life (embryos as individuals with legal capacity). From there, abortion has been put into question. Civil partnership has been for a short time a hot debate (2006/beginning 2007), framed around the legitimate family form. This debate as well has been strongly influenced by the Catholic church and its idea of the “natural heterosexual family based on marriage”.

Regarding gender based violence the most relevant issue of long-term debate is rape from an unknown man. Nevertheless, during last year a shift occurred and domestic violence has started to be a hot debate. FGM and trafficking are publicly debated during recent years due especially to international pressure, while sexual harassment has been a hot debate during the nineties but nowadays it can be considered marginal.

### Major changes in gender+equality policies, generally and in the three sub issues

Generally speaking in Italy the major change from 1995 onwards is to be found in 1996, when the Minister for Equal Opportunities is established, and the National Directive 7<sup>th</sup> March is promoted in 1997 by the Prime Minister Prodi and the Minister for Equal Opportunities Anna Finocchiaro to mainstream gender equality in all institutional activities and policies.

Some Constitutional reforms occur at the beginning of the millennium. During the centre-left government two Constitutional reform laws on devolution are adopted: they contain provisions that require all regions to implement positive actions to achieve equality between the sexes and to promote equal opportunities in accessing elective posts in regional councils (Guadagnini, Donà 2007). Some Regions have consequently implemented changes in their Statutes with specific articles and measures for an equal representation but in general the gendered impact has not been so wide.

Due to the initiative of the national Commission for Equal Opportunities and the Minister for Equal opportunities (Stefania Prestigiacomo) which undertakes some centre-leftist female MPs initiative, article n. 51 of the Constitution is modified in 2003. The modification provides the possibility to introduce quotas in all electoral laws (Guadagnini, Donà 2007).

#### Non employment

Regarding non-employment, the QUING period is characterized in Italy by substantial changes in the labour market, employment and welfare reforms and strong social conflicts: neoliberal

globalization processes are undergoing rapid development, making the labour market more and more unstable and subject to global competition, while workers' rights based on old working patterns are deconstructed in the name of flexibility (see law 30/2003). In this process, trade unions and women MPs mainly from the centre-left coalition are allied in trying to defend workers' rights but the gender approach is often lacking and there is a general difficulty in representing 'new-young' atypical and precarious workers and their needs. On the opposite side, centre right parties more linked with the interests of employers' organizations promote a vision where new flexible contracts are seen as work life balance measures for women. The long debate on work life reconciliation which lasted almost one decade and led to the approval of Law 53/2000 on parental leaves, contributed to enhance a change in gendered roles within the family even if the situation is still very critical and work life reconciliation is often shaped as a "women's issue". Moreover, the law itself failed to recognize precarious workers' rights and subsequent modifications were needed. Generally speaking the debate shows variations and continuous shifts and tensions between a protectionist approach towards women workers and their role as mothers and the equal treatment approach, fostered by EU policies.

#### Intimate citizenship

Regarding intimate citizenship, during the QUING period the debates have been framed on the "natural family" as defined by the Catholic hierarchies thus influencing widely the policy making process on assisted reproduction, abortion and same sex-partnership. During the centre-right Government, law n. 40/2004 on assisted reproduction is passed. The law is considered very restrictive for women and causes the strong mobilization of civil society. The recent debate on civil unions and same sex partnership rights (the so called "Dico") has strongly drawn public opinion's attention to the issue even if during recent months it seems to have disappeared.

#### Gender-based violence

On gender based violence the debate has been for a long time on rape and in 1996, after 30 years of debate, law n. 66 is passed. From being a 'crime against morality', sexual violence turns to be defined as 'a crime against a person'. Domestic violence starts to be a publicly debated issue at the end of last millennium and becomes law n. 154 in 2001. On FGM and trafficking the major shifts are laws n. 7/2006 and 228/2003. The debates on the two issues are often marked by the construction of foreign women as subordinated victims to save, especially from the right-wing parties which are usually not very sensitive to gender issues.

#### **Impact of the EU and other international bodies**

International bodies, among them the European Union bodies, played an important role in the adoption of gender-equality initiatives and laws. The EU equality directives of the 70s had an impact on establishing the principles of equal pay and equal treatment, though the national legislation on labour regarding the protection of the working mother is recognized as advanced since the Seventies. On the other QUING topics the international pressure played a big role. From the same decade onwards the implementation of European Directives on gender equality produced a big shift in the Italian legislation.

The transposition of EU Directives changed the legal framework on unemployment, previously completely shaped by "women-as mothers", to a different one, based more on women as individuals and on equal treatment (Guadagnini, Donà 2007). Here EU directives have influence,

particularly in reforming parental leave and night work legislation. Nowadays, debate is increasing about the different retirement age of women, a policy Italy has been banned from using by the European Court of Justice<sup>73</sup>. The EU also had an impact on the initial development of policies on other grounds of discrimination such as belief, disability, age or sexual orientation and race/ethnic origins (through the transposition of directives 78/2000), though implementation is insufficient. However, legislation did not significantly change gendered roles in society, especially within the family and especially in Southern Italy and other national peripheries.

The Beijing Conference has given a strong impulse to the implementation of gender mainstreaming in Italy but first of all in the creation of an Equal Opportunities Ministry dedicated to gender issues in 1997. In 2005, the CEDAW review on national policies on gender equality caused a strong debate on all the sub issues: the governmental report and the shadow report by feminist NGOs' clearly show the main questions and the different political approaches in play.

### **Actors**

The left-wing parties, in particular the ones established from the dissolution of the Communist party, are the first institutional bodies that historically exerted pressure to promote gender equality policies. Nowadays also the right-wing parties promote gender policies, especially female MPs, even if many (male-dominated) parties seem to deal with gender issues more as tokenism than as promotion of policies, thus the gap between formal and material equality is still significant.

The Ministries for Equal Opportunities promoted different policies during the different legislatures. During the XII legislature (centre-left government 1996-2001) the newly established EO Minister introduces and promotes the concept of mainstreaming and reconciliation. During the XIII legislature (centre-right government 2001-2006) the Minister's role is weak regarding reproductive rights and it is more concentrated on gender-based violence and women's political participation. During the present government (centre-left, 2006-), the Minister's action is devoted to the issues of civil-partnership, gender-based violence, trafficking and reconciliation.

### **Non-employment**

Women from Trade Unions and political parties, supported by femocrats from the Equal Opportunities Commission and Committee have been particularly active on non employment policies, even if state feminism's bodies show some weaknesses in being proactive; due to their mainly consultative role lacking any decision making power and their being structured as wide cross parties and cross interest assemblies, they are hardly able to formulate shared positions. State feminists' role has been nevertheless important in promoting a continuous work of raising awareness, especially at the regional- local levels.

On some more specific sub-issues like care and migration or women and flexible/unstable jobs, women from the feminist and antisystemic movements have contributed a lot to the debate. At the institutional level, the main actors in the debate are the Parliament and its thematic Commission IX (for Labour Issues), National Government and its structures, namely the Ministry for Labour Issues. Centre Left Parties have tended to link gender issues to class issues like working time reduction, or workers rights' defence against precarious jobs while centre right ones have focused on flexibility as a reconciliation measure or on developing private care services and kindergartens.

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<sup>73</sup> An appeal made against Italy at the European Justice Court (2005/2114) declared Italian legislation as inconsistent with European Law.

### Intimate citizenship and gender-based violence

Civil society, especially the feminist movement and the LGBT organizations, has been very active regarding the issues categorized under intimate citizenship and gender based violence. Nevertheless, Italian society continues to show great political and social resistance regarding issues such as the recognition of civil partnership and more generally on gender roles in society, one of the factors affecting a traditional vision of gender roles and the consequent policies is the central role played by the high hierarchies of the Catholic Church.

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