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Chair of the UN Working Group

on the Issue of Discrimination against Women in Law and in Practice

Office of the High Commissioner for Human Rights (OHCHR)  
CH-1211 Geneva 10, SWITZERLAND

Rome, 23 July 2019

Dear Special Rapporteur Šimonović, Dear Chairperson Radačić:

We take note of the letter from the Italian Government of May 29, 2019 entitled *Italy’s Remarks in Response to The Joint Communication (OL ITA 5/2018) from Two UN Special Procedures Dated October 22, 2018*. We also note that the Government answered your joint communication well beyond the eminently reasonable deadline of 60 days that you had set. It does not seem, however, that such delay allowed the Government time to better ponder its responses and provide complete and exhaustive information to address and satisfy your requests.

Indeed, we are dismayed at the paucity and even irrelevance of the Government’s response to your inquires. Focusing almost exclusively on the legislative process, the Italian Government effectively eluded the substantial and consequential issues that you had raised.

Perhaps unintentionally, such approach illustrates very well the hiatus between the letter of the law, particularly our Constitution, and its applications as well as the gaps between formal and substantial gender equality that undermine the rights and well-being of women in our country every day. It further reflects a failure to comprehend and mainstream gender issues in Government policies and practice.

Regarding *Senate Bill 735* (the so-called Bill Pillon),[[1]](#footnote-1) the Government’s missive offers no substantive answer to your detailed inquiries on the merit of that draft law and its compatibility with international standards. Rather, the letter merely describes the legislative process that this bill--as any other similar draft laws-- may undergo in our Parliament as the democratic process unfolds. To render a full and dispassionate account of such democratic process, the letter should have mentioned at least the fact that a critical mass of parliamentarians, the Ombudsperson for the Rights of Children, judges, lawyers, trade unionists, women organizations and civil society individuals and groups denounced Bill Pillon as an instrument to attack women’s rights and bolster a patriarchal ideology that would set our country back decades. Hundreds of thousands of women and men took to the streets to protest against this draft law. Anti-Bill Pillon demonstrations were held in numerous Italian cities on November 10th, 2018, and one hundred thousand marched in Verona in March 2019 to protest against the International Family Day, a conservative assembly led, among others, by Senator Pillon. In the Verona Assembly participants maintained that a return home of women could solve a host of problems in the labor market--despite the fact that barely over 50% of Italian women are gainfully employed (the lowest rate in Europe after Greece)-- as well as the current welfare crisis, since women at home could then take care of their children, the sick, the elderly and disabled family members.

The core issues voiced by opponents of Bill Pillon, including its departure from international standards, are ignored in the Government missive. Such letter does not even mention the position of Under-secretary Vincenzo Spadafora, an influential Government representative as the head of the Department of Equal Opportunities at the Presidency of the Council of Ministers. It is worth recalling that in April 2019, Under-secretary Spadafora— a member of the Movimento Cinque Stelle--had pledged to scrap Bill Pillon. His position was at variance with those five members of his party who had co-signed the Bill. No action followed and regrettably, that Bill is set for discussion at the Justice Committee of the Senate in late July 2019.

Reinforcing the misogynist aim and content of that draft law, four additional bills have been presented in Parliament. Of particular concern is *DDl 45* that would undermine the recognition of male violence against women and the criminalization of domestic violence. Inter alia, this bill amends the offence of domestic violence by punishing only "systematic" violence, thereby minimizing other forms of domestic violence. Further, systematic violence is typically very difficult to prove. For other “minor” manifestations of domestic violence, the Bill envisages mild retribution, such as requiring the perpetrator to work in “public utility” service in lieu of punishment. These provisions are in blatant violation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* that requires the criminalization of domestic violence and the use of proportionate, effective and dissuasive sanctions. *DDL 45* explicitly mentions the scientifically discredited theory of the so-called Parental Alienation Syndrome.

Beyond the political propaganda value—that of catering to fears of social disorder engendered by ruptures in the “family structure”—these draft laws embody an historical, legislative and cultural effort to re-establish a “natural order” in society.

In regard to your inquiries concerning women’s spaces, we are utterly puzzled by the Government’s response. In its letter the Government states: “*Heard the competent offices, there appears to have be no loan granted breaking Legislative Decree No. 117/2017 nor that Roma Capitale has undertaken initiatives aimed at obtaining the payment of undue leases.”* As for the meaning of this cryptic sentence and its rationale, your guess is as good as ours.

What we know for a fact is that many women’s spaces in Italy face hardship or closure as a result of government’s action or inaction and that such action or inaction is in breach of international standards.

The Casa Internazionale delle Donne (CID), for example, presented a transaction proposal for its arrears in rent fees in late December 2018 to Roma Capitale (local administration and owner of the compound). As of this writing, Roma Capitale has offered no official response, although it privately informed CID representatives that their proposal had merit. Further, in June 2019, the CID had won a public tender from Roma Capitale to host a performing arts festival in the summer. That support—a lifeline for the CID’s cultural activities-- was first approved and then denied on the basis that Roma Capitale had rescinded the CID’s Lease Agreement in August 2018. In October 2018, the CID had challenged the grounds of that unilateral contract withdrawal in court and the judgement is still pending. The paradox is multifaceted: the CID is operating without a Lease Agreement, but it is not deemed to be an illegal occupant of the premises, a condition that prevents participation in public tenders and calls for proposals. The CID has not received an eviction order, but it is not legally entitled to use the premises. In such uncertain situation, the CID is required by Roma Capitale to perform maintenance work, including extra-ordinary repair work. Further, Roma Capitale selects the CID as a successful winner of a public tender, but it does not allow the CID to receive such financing thus frustrating its activities, including generation of visitors’ interest that could translate in donations for maintenance work. This multi-layered Gordian knot could be untied by accepting the CID’s transaction proposal. Yet, in this regard, the silence of Roma Capitale persists. In the meantime, public coffers have been made to forego Euro 300,000 offered in the proposal.

Equally troubling is the situation of the women’s house Lucha y Siesta in Rome. This is a women's project providing information, orientation, attention and hospitality to the women in need; different cultural and productive activities take place on its premises making Lucha y Siesta a space for social relations as well as for sharing experiences and competences. Numerous women with different life backgrounds have come to the house and shaped it making it a place that contributes to women’s empowerment. This place has also become an important part of the public patrimony open to citizens of different provenance. In the 11 years of its activity, the center welcomed, oriented and supported 1105 women and about 300 minors. Individually tailored projects to escape male violence and respond to emergency situations have been devised for and with 120 women and 60 minors. Lucha y Siesta also manages 14 beds, or almost half of the reception capacity of the city, for women fleeing situations of violence.[[2]](#footnote-2) Yet, it has received an executive eviction order and the premises it occupies will be auctioned off as part of the property of the municipal transportation firm (ATAC) that would help ATAC avoid bankruptcy. ATAC accumulated a debt of more than one billion and four hundred million Euros that it intends to repay according to a plan which schedules, among other actions, the sale of most of its real estate patrimony, including the house of women Lucha y Siesta.

As noted above, other women’s houses and gathering places in several parts of Italy are at risk.

In conclusion, the current political dispensation has fostered or condoned a virulent sexist and xenophobic climate that is duly reflected in the approaches of the executive and legislative powers. Increasingly, part of the judiciary is also embracing practices that undermine women’s rights. Such climate also transpires frequently in the denigratory and degrading public pronouncements and impromptu communications of political leaders and public servants. Senator Pillon, for example, has reportedly responded to your October 2018 letter by describing you as “two ‘tizie’ (unknown entities, someone) from the UN” wondering sarcastically whether “the UN blue helmets would come here to arrest us”. Women in Italy are targeted by equally dismissive remarks every day and even face expressions of “hate speech” that are neither denounced nor repressed by the government and that find an echo in many traditional and social media. Prevention of violence against women is on the wane.

A political vision that would push women away from the public sphere and locked in traditional family roles is gaining traction among disaffected, but very vocal and growing constituencies for populist, sexist and homophobic demagoguery. As you correctly noted in your October 2018 letter, there is genuine alarm among concerned citizens at these attempts: “to reinstate a social order based on gender stereotypes and unequal power relations and structures between men and women and contrary to Italy’s international human rights obligations.”

The raising wall of political disinterest in discussing gender issues with women’s civil society organizations, jointly with the constant erosion and vilification of democratic processes, makes it increasingly difficult for women to defend their rights and freedoms. Rights and opportunities are, thus, shrinking apace. These political positions reflect neither a mere social regression nor a restoration of traditional and conservative views of the common good. They are sharp departures from the legal and political frameworks built over the last 70 years on the foundations of human rights.

Women’s movements are responding to these worrisome developments with strenuous resistance.

We wish to thank you for your kind attention and stand ready to provide you with additional information.

Best regards,

ARCI

Associazione LeNove - studi e ricerche sociali

BeFree Cooperativa Sociale

Casa Internazionale delle Donne

CGIL, Confederazione Generale Italiana del Lavoro

Differenza Donna

Di.Re, Rete dei Centri Anti-violenza

Effe, Rivista Femminista

Filomena, Rete di Donne

Fondazione Pangea-REAMA

Le Funambole, Associazione Socio-culturale

Lucha y Siesta

Parsec

Parteciparte

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1. The Bill was introduced by Senator Simone Pillon, a member of the Lega (League), one of the two parties that govern Italy. Their partner in government is Movimento Cinque Stelle (Five-Star Movement). The Bill had received bipartisan support: 5 Senators of the Movimento Cinque Stelle co-signed it. [↑](#footnote-ref-1)
2. In its survey 2017, WAVE (Woman Against Violence Europe) indicated that the number of beds in Italian women’s shelters is barely 680, while according to the standards of the Istanbul Convention they should be 6.067. The number of beds the Municipality of Rome has to oppose violence is shameful, they are less than 30 mainly dedicated to mother/child units, leaving out young women, women without children and old women.  [↑](#footnote-ref-2)