

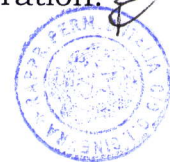


*Rappresentanza Permanente d'Italia
presso le Organizzazioni Internazionali
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The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Children Rights Section and, with reference to the latter's note verbale n. RRDD/VAW dated 18 October 2013, has the honour to enclose the contribution of Italy concerning "Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps" (HRC Resolution 24/23).

The Permanent Mission of Italy avails itself of this opportunity to renew to the the Office of the High Commissioner for Human Rights, Children Rights Section the assurances of its highest consideration.

Geneva, 10 FEB. 2014



Office of the High Commissioner for Human Rights,
Palais des Nations
Geneva

OHCHR REGISTRY

13 FEB 2014

Recipients: RRDD/VAW



MINISTRY OF FOREIGN AFFAIRS

Inter-ministerial Committee for Human Rights

Italy's contribution in relation to the request of the Office of the High Commissioner for the Human Rights of the United Nations for the compilation of a Report pursuant to Resolution A/HRC/RES/24/23 of the Human Rights Council entitled "Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps"

January 2014

Remarks by the Italian Government following the request of contribution for the compilation of a Report of the Office of the High Commissioner for Human Rights Council pursuant to Resolution A/HRC/RES/24/23 of the Human Rights Council entitled “Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps”

The issue under reference will be reported by Italy for the compilation of a Report of the High Commissioner for Human Rights pursuant to Resolution A/HRC/RES/24/23 by including several aspects that are strongly interrelated and that could offer a comprehensive overview of the phenomenon of child, early and forced marriages: violence against women, trafficking in human beings and the high *ratio* of involved women and girls; the fight against FGM.

a) How States are implementing their obligations under international human rights conventions and international human rights treaties on child, early and forced marriage at the national level

As it concerns the prevention of the involvement of girls as victims in child, early and forced marriages, it is worth of mentioning the participation of Italy as Contracting Party to several UN treaties whose legal framework represents a remarkable commitment for the implementation of the rights and freedoms contained therein.

In particular Italy ratified the following main international treaties coping with this subject: the UN Convention on the Rights of the Child and related Optional Protocols, respectively by Act No. 176/1991 and Act No. 46/2002; the UN Convention for the elimination of discrimination against women by Act No. 132/1985; the UN Convention against transnational organized crime and its Optional Protocol by Act. No. 146/2006; the Convention of the Council of Europe on Action against trafficking in human beings by Act. No. 108/2010; the Convention of the Council of Europe on the protection of children against sexual exploitation and sexual abuse by Act. No. 172/2012; the Convention of the Council of Europe on preventing and combating violence against women and domestic violence by Act No. 77/2013.

All the above mentioned core treaties demand for the creation of national monitoring mechanisms and procedures to prove an adequate implementation of their contents: several *ad hoc* committees have been established, composed of representatives from the competent Ministries and Departments of the Presidency of the Council of Ministers as well as local governmental representatives, also supported by the advisory contribution from the civil society.

In the course of the current Legislature further mention has to be made to the promotion of Bill No. 724 concerning “Provisions for the promotion of the female subjectivity and the fight against femicide” and Senate Act No. 764 concerning “Introduction of the crime of femicide”, now in force as Act No. 119/2013. This Act must be read in conjunction with the above mentioned Act No. 77/2013 and has three main objectives: to prevent gender-based violence, to punish those ones who commit this crime and to protect the victims. The first will be accomplished also through the introduction of criminal offences as far as forced marriage, FGM, abortion and forced sterilization. Furthermore mandatory arrest is established for stalking and family abuse crimes, with the abusive spouse subject to immediate removal from the home where there is any risk of violence. Penalties increase in cases of violence against a pregnant woman, or in the presence of youth and children. Moreover women will be supported by free legal aid when they are victims of crime and must be kept informed about the judicial hearings that involve their abuser.

b) Surveys, Assessments and studies carried out at national and sub-national level on the prevalence of child, early and forced marriage and/or its impact on the human rights of women and girls and other affected groups

Even if there is not a proper inquiry project focused on the issue under reference, it should be mentioned the launch of a second violence against women survey from the National Office on Statistics (ISTAT) for the biennium 2013-2014. Italian women will be interviewed by CATI technique (Computer assisted telephone interview), migrant women will be interviewed by both CATI and CAPI (Computer assisted personal interview) technique. The survey cover different forms of sexual (rape, attempted rape, physical sexual harassment, to be forced to have sex because of fear of perpetrator’s reaction, to be forced to do humiliating and degrading sexual activity) and physical violence (7 kinds of violence from threat to the attempt to be suffocated or strangulated) and as regards violence in intimate partnership, the psychological and economic violence are collected too.

In this survey edition stalking suffered by women by everyone is collected. Other data on sexual violence, human trafficking or maltreatment in the family are provided by registers statistics. These statistics concern the reports of violence to the police, crimes and proceedings from the Public Prosecutor Offices, persons charged of violence by the Public Prosecutors, persons convicted of violence and convictions on violence crimes (data from the Central Register Office of convicted people). These data are very good from the Judicial point of view and concerning the characteristics of perpetrator, but are very poor concerning victims characteristics, with the exception of police statistics (that have data on victims since 2004).

Data can be provided by sex, age and place of birth of the perpetrators and only for police statistics, by sex, age and citizenship of the victims.

c) Policies, projects and measures at national and sub-national level to promote the elimination of child, early and forced marriage specifically including action taken to address the issue in marginalised and minority communities, and to address or mitigate its impact including information on the outcomes of such policies, projects and measures

On this point relevant steps have been taken and a wide range of measures have been adopted to promote indirectly the issue under reference whereas interrelated to material aspects such as violence against women and the protection of children rights. In effect Italy has recently adopted relevant National Action Plans in the following areas: the National Action Plan (NAP) on Violence Against Women and Stalking (2010-2013 - being under current revision, the National Action Plan on Children and the Youngsters (2011-2013); the first National Strategy on the Integration/Inclusion of Roma, Sinti and Caminanti Communities (2012-2020), in accordance with EC Communication No. 173/2011; the First National Strategy for the prevention and the fight against discrimination on the ground of sexual orientation and gender identity (2013-2015).

By Ministerial Decree dated 10 November 2010, the then Minister on Equal Opportunities approved, upon positive opinion by the Unified Conference, the three-year term "*National Action Plan against gender-based violence and stalking*". This document is the result of an inclusive process involving all relevant private and public stakeholders and envisages specific actions in the socio-cultural, health, economic, legislative, and judicial fields.

More specifically, the aim of this Plan is six-fold: (a) Raising awareness in a broad, adequate and effective manner; (b) Ensuring and implementing a network of relevant anti-violence Centers and shelters; (c) Securing an adequate support for the victims nationwide; (d) Adequately training and equipping with the appropriate tools, all those social and health-care providers mandated to supporting victims and/or working in this area, with the ultimate goal of mainstreaming gender-based culture; (e) Envisaging a structured collection of data to better steer relevant policies; (f) Enhancing forms of assistance and support for women, victims of violence, and their children; (g) Broadly enhancing the level of protection by an effective collaboration with Police Forces. **Within the Plan the issue of the child, early and force marriages is referred to as one of the relevant forms of violation of women rights, together with MGF and trafficking.**

In the biennium 2010-2011, 18.6 million Euros were allocated for the implementation of this Plan, and further 1.5 million Euros, for the year 2012.

The NAP has provided for the establishment of a high-level inter-ministerial Task Force on gender-based violence (from June 2013 onwards), aimed at coordinating governmental action for the prevention and repression of such a plague.

The development of coordinated actions at all levels to implement the NAP contents has aimed at improving the role of private stakeholders in order to ensure the prevention and repression of violence against women: a National Audit was organized on 22 May 2013, during which the then Minister for Equal Opportunities met with relevant civil society representatives of a national and local relevance (CSOs), and the fourth annual week against violence was launched by the Ministry of Education and the Ministry for Equal Opportunities, on the basis of the cooperation initiated in July 2009. Through this week, financed by the Department for Equal Opportunities, the aim is to fight against all forms of discrimination by organizing awareness-raising campaigns, information and training courses on prevention of violence and fight against all forms of intolerance, especially those grounded on racial, religious and gender based intolerance, besides dealing with all forms and root-causes of violence, or on sexual orientation and gender identity.

Another form of serious violence against women and children refers to *trafficking in human beings (THB)*, the modern-day slavery, that is a heinous crime: it consists of a systematic commercialization of the human body and a violation of the human dignity and the fundamental human rights. **Victims, especially women and children, are regularly deprived of their identity and dignity and forced into subjection, that means also the case to be forced to marry another person without their consent.**

The Italian model, which is still internationally considered as a best practice in this field, was built upon the principle that an effective response to trafficking in human beings should be based on an integrated and multi-agency approach focused on the promotion and protection of human rights.

Since trafficking in human beings is an extremely complex and constantly changing phenomenon, legal systems, policies and actions should be also supported by appropriate tools to monitor human trafficking and evaluate the effectiveness of the actions taken: an in-depth and up-to-date examination is fundamental in order to effectively respond to THB. This is the main task of the Department for Equal Opportunities at the Italian Presidency of the Council of Ministers, which is therefore responsible for: the monitoring and analysis of trafficking in human beings; the examination of the results of all projects funded pursuant to Art. 18 of Legislative Decree No. 286/1998 and Art. 13 of Act No. 228/2003; the development of a

computerized data collection system facilitating the understanding and analysis of the phenomenon, while respecting the possible sensitive data confidentiality guarantees, following the activation of the *National Anti-Trafficking Toll-Free Helpline (800-290-290)*, which can be called 24 hours a day, anonymously and free of charge; the carrying out of surveys and research on trafficking in human beings, both at the national and international level.

In performing its mandate the Department for Equal Opportunities is supported by the Inter-ministerial Commission for the Support to Victims of Trafficking, Violence and Exploitation, which is chaired by the same Department and is composed of representatives of the Italian Ministries of the Interior, Justice, Labour and Social Policies, as well as of the Department for Family Policies, the State-Regional Conference and ANCI (the National Association of Italian Municipalities).

In compliance with the abovementioned national laws, the Italian system envisages two different types of assistance and protection programmes for victims of trafficking in human beings, namely. Besides *long-term programmes* (the so-called "Art. 18 Projects") - which are provided for by Art. 18 of Legislative Decree No. 286/1998 establishing the possibility of granting a special residence permit for social protection grounds to the victims of human trafficking, violence and exploitation who want to escape the conditioning of criminal organizations, *short-term programmes* (the so-called "Art. 13 Projects") are provided for by Art. 13 of Act No. 228/2003 ("Provisions against Trafficking in Human Beings") also establishing the creation of a special fund for the implementation of actions aimed at identifying and providing first-aid to EU and non-EU citizens, both adults and children, who are victims of reduction to slavery and trafficking in human beings (offences provided for respectively by art. 600 and art. 601 of the Italian Criminal Code, as amended by the abovementioned law).

As far as the issue under examination we should focus on this kind of programmes. Art. 13 Projects provide presumed or already identified victims of human trafficking with assistance for a minimum duration of three months which, when applicable, can be extended for a further three months. Victims assisted by public bodies or associations are entitled to receive adequate board and lodging, as well as health and legal assistance. Short-term programmes are co-funded by the State (namely the Department for Equal Opportunities providing 80 per cent of the total allocated funds) and Regions and/or local authorities (20 per cent) on an annual basis, and projects can be submitted and/or managed by Regions, local authorities and/or accredited non-profit organizations (which need to be enrolled in the Register established by Art. 52 of Decree of the President of the Republic No. 394/1999).

Data and statistics can be provided by the Department for Equal Opportunities with regard to victims or presumed victims of human trafficking who participate in the assistance and social protection projects promoted and co-funded by the Department itself. **These people, both**

adults and children, can be victim of both sexual and labour exploitation or other forms of exploitation such as begging and the illegal economy. The national database on trafficking in human beings collecting data on victims who have been assisted through the implementation of the projects is fully in place and enables the Department for Equal Opportunities to monitor the number of assisted victims at the national level, as well as the protection services provided to victims and the new human trafficking flows. The structure of the indicators and data, which are disaggregated by gender, age, nationality, type of exploitation, etc. makes it possible to understand the trend of human trafficking over time.

Another form of violence **partially interrelated with the issue under consideration** is the *fight against FGM*.

Such a plague affects many immigrant women who have been arriving in Italy over the last years and could be tackled with Act No. 7/2006, which envisages the implementation of the following activities: promotion and coordination activities (Art. 2) to be carried out by the Department for Equal Opportunities; raising-awareness campaigns (Art. 3), training and information for those pregnant women who have been victim of FGM; ad hoc training for teachers and care providers working in social/communities centres; monitoring of relevant cases. In this regard, a 2 million allocation per year has been envisaged since 2005; the setting up of a toll free number/helpline at Ministry of Interior (Art. 5) with a budget of 500,000 Euros, per year; the harshening of relevant penalties (Art. 6) by introducing ad hoc provisions under Arts. 583 bis and ter of the penal code, respectively; programs of international cooperation (Art. 7).

Always by Act No. 7/2006 the Department for Equal Opportunities has been entrusted to coordinating all relevant activities and those Ministries responsible *ratione materiae*, in order to prevent, repress and eradicate such a practice while providing the utmost assistance to women and girls, victims of FGM, and collecting data and information both internationally and nationally.

To this scope an ad hoc Commission for the prevention and the fight against FGM has been created since 2009 at the Department for Equal Opportunities whose mandate was performed by elaborating the second Programming Plan fixing the national action priorities in this field, in accordance with Art. 2 of Act No. 7/2006. The above Plan also reports indications provided for by CSOs, operating both nationwide and locally. The content of this Plan, shared with regional Authorities, under "The Agreement on how to share resources, purposes, modalities, including implementation ones, and monitoring of the relevant interventions system", has been approved by the State-Region Conference, on 6 December 2012. A 3 million Euros allocation has been envisaged for Regional Authorities in order to implement prevention programs, in the following

fields: (a) Elaboration of innovative intervention models, by which to implement nationwide, a systemic action aimed at the social integration of women and children, victims or potentially exposed to FGM; (b) Ad hoc training courses, also with the aim to facilitate contact between relevant Institutions and African communities; (c) Awareness-raising and information activities. Within this framework, specific attention has been paid to the second area of intervention, namely information, education and training for relevant public and private care providers, also to equip them with the best knowledge, in light of international and regional indications. Following the approval of the above Agreement, twelve Italian Regions have already submitted relevant projects to combat FGM.

Also the Ministry of Health contributed in countering FGM by introducing on its website (www.salute.gov.it), under the section devoted to “Women’s health”, a specific database with the aim of providing an overview of all relevant services supplied, at the regional level, to those women and girls, victims of FGM, who live in Italy — such database is being updated.

d) Steps taken to prohibit child, early and force marriage as well as examples of positive experience and challenges encountered at the national level in adopting policies, measures and implementing strategies to address this issue

Several best practices were implemented in recent times that could be associated with the fight against child, early and forced marriage as promoted by some relevant competent Ministries. These experiences insist on the opportunity to improve the exchange of information and the adoption of common procedures and the training of specialized personnel who enter into contact with women and girls as victims.

Just to mention a first example, aimed to enhance the relevant exercise of the penal action, the Italian Ministry of Justice launched in the biennium 2011-2013, the following activities: 1. the possibility of signing MoUs at the local level, with CSOs, to improve the exchange of information between magistrates, law enforcement officials, health-care providers and other relevant stakeholders when dealing with cases of gender-based violence; 2. the possibility of defining modalities to collect relevant quantitative and qualitative data on all forms of discrimination against women and girls, to better steer local and national actions; 3. confidence-building measures in the judicial sector to adequately protect victims of violence especially when rendering testimony against offenders; 4. training and awareness-raising initiatives at the local level, considering that the fight against impunity goes through positive measures, including police training, free legal aid, and effective protection for the victims and the witnesses.

In the framework of the Convention on training for law enforcement to uniform their approach to the victims of gender-based violence”, signed on 30 May 2011 by the Department for Equal Opportunities of the Presidency of the Council of Ministers and the Department of Public Security of the Ministry of the Interior, as far as the regular professional refresher courses addressed to police officers are concerned, the issues of domestic violence, stalking and discriminating acts have been included in 2011 through the formula ““Stalking” and crimes against the so-called “vulnerable categories” (women, minors, the elderly)’, in 2012, providing for monitoring and tackling discriminatory acts against minority groups and improving the role of the Watch for Protection against Discrimination at the Ministry of the Interior; in 2013, focussing on the issue of violence against women and children, dealing with juridical, psychological and operational aspects.

Another relevant project was recently concluded by the Ministry of Health and Candelaria Donne Immigrate Onlus and refers to the “Health and security of the newborn: a guide for immigrant families” by which it was arranged the publication and broadest dissemination of a pamphlet on child-maternity health care, entitled “girls and boys: children of the world”. It was made in 10 different languages, to reflect the languages spoken by the largest immigrant communities living in Italy.

e) Recommendations on good practices regarding possible appropriate measures and strategies to prevent and eliminate child, early and force marriage

The elaboration of suggestions and recommendations on good practices concerning the improvement of measures to prevent and eliminate child, early and forced marriage has been pursued by the compilation of sectoral Guidelines by the Directorate General for Development Cooperation at the Ministry of Foreign Affairs with the contribution of relevant public and private stakeholders.

As far as the issue under consideration the 2010 Guidelines on gender equality and women empowerment and the 2012 Guidelines on children should be mentioned.

The first expressly recall the relevance of the mainstreaming approach among the multilateral institutional actors in countering violence against women and girls and promoting the access to basic healthcare services. Along these lines, for example, the intervention of the Italian Cooperation in Senegal has promoted a comprehensive plan, whose contents are now reintroduced in the new 2013-2015 Strategy and that include the issue of countering the drop-out at school by preventing its causes – such as early pregnancy, early marriage, child labour.

The Guidelines on children also contain the same approach in combating *inter alia* the worst forms of violence against children, adopting a concept of ‘child’ as active holder of

inalienable rights to a significant agent of development and change – of themselves and of their environment. In the Guidelines the approach is explained by stating that: “[...] In projects for children, the following should be taken into account: - the cross-cutting nature of the issue, tracking and monitoring, and steps to promote mainstreaming; - gender differentiation, from birth, especially in analysing individual cases, with a view to selecting the most suitable intervention methods; - social inclusion, the goal which the initiatives listed in the previous sections are designed to achieve, to be promoted and consolidated in the region and/or country concerned; - the processes and forms adopted to de-institutionalise children, using well trained personnel, and on-going support until they reach majority age; - the expertise of personnel in contact with children and the suitability of the methods used: the arts, multimedia, sport; - the need to listen to children’s voices and the specific initiatives and policies that they propose, to achieve greater guarantees of long-term sustainability; - the direct involvement of children and groups, during the planning stages and in all subsequent actions, including monitoring; - the need to enhance each initiative with a fuller awareness of human rights, with due respect for the intercultural dimension; - the efficiency of partnerships, in a formal framework of interaction and complementarity of functions during the life-cycle of the initiative”.

Among the main initiatives of the Italian Development Cooperation the following could be interrelated with the issue under examination: “acquire data relating to cases of maltreatment, and the sexual abuse and exploitation of children, to gain a better understanding of the various elements and dimensions of the phenomenon and the complex risk factors, and for the purpose of monitoring in the field; implement prevention policies, including through networks of institutions with responsibility for child protection, with two priority goals: One is to support the most vulnerable households and/or those experiencing difficulties, including by improving the services and instruments available to prevent and overcome intra-family disputes and other situations of vulnerability. And the other is to link up services provided by schools and other institutions in contact with the population in order to strengthen monitoring activity. The aim here is to promptly identify cases of risk and/or of actual violation. The focus should be on situations of disadvantage, marginalisation and deviance. The national and international media should also be involved so that they can collaborate in promoting and disseminating an ethos that rejects all forms of violence against children”.