**

***Ministry of Foreign Affairs and International Cooperation***

***Inter-ministerial Committee for Human Rights***

***Italy Reply pursuant to UNGA Resolution 73/153 entitled “Child, early and forced marriage worldwide”***

***November 2019***

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Following to your query, Italian Authorities are in a position to provide the following information.

***Questions 1-4***

On 28 July 2015 the Chamber of Deputies approved a motion on forced and early marriages, which imposes on the government to “observe the United Nations resolution regarding forced and early marriage for children”, to “support the worldwide campaign to prevent and eliminate this practice which violates human rights, in particular those of children and adolescent girls”, to “Fund international cooperation programmes and projects for the prevention and ending of early and forced marriages“. In Italian state legislation, there are no explicit references to "forced marriage”, either in civil or in criminal law.

However, our system - in addition to limiting the effects of a promise of marriage to guarantee the freedom of consent - when requesting the contribution of specific requisites in order to marry, only allows minors to marry if already sixteen years of age and in the event of serious reasons. Foreign citizens who wish to marry in Italy are subject to “dual checks” on their ability to marry (international private law and civil law).

Marriages with minors are prohibited according to Art. 84 of the Civil Code, with the exception of children aged 16 and under authorization of the competent court. Two references to forced marriages are included in the ratification of the Istanbul Convention (Act No. 77 of 27 June 2013, Arts. 32, 37 and 59) and in Ministerial Decree of 2007 — “Carta dei valori della cittadinanza e dell’integrazione”. The offence is punishable also as private violence (Art. 610 of the Criminal Code), intimidation (Art. 612 of the Criminal Code), ill-treatment (Art. 572 of the Criminal Code), slavery (Art. 600 of the Criminal Code), sexual violence and sexual acts with minors (Art. 609 bis — 609 quater of the Criminal Code).

In relation to the legal definition of sexual violence and related forms of violation of human rights as well as the adoption and implementation of domestic strategic measures, please consider that Law of 19 July 2019 No. 60 (the so called Red Code) has entered into force. In this framework a series of new measures have been introduced aimed at strengthening the prevention, investigation and repression of crimes of domestic and gender-based violence, as well as at increasing the forms and means of assistance and protection of victims.

The Red Code contains amendments to the Criminal Code, the Code of Criminal Procedure and other provisions on the protection of victims of domestic violence and gender. It consists of a catalogue of crimes through which domestic and gender-based violence is carried out; it is intended to speed up the establishment of criminal proceedings and the adoption of any measures to protect the victim. It also affects the Criminal Code to increase the penalties for some crimes, to modify some aggravating factors and to introduce new types of crime.

Among the definition of Domestic or gender-based violence the following acts related to forced marriage are included: compulsion or induction to marriage: punishment with detention from 1 to 5 years for anyone who by violence or threats forces a person to enter into a marriage or a civil union; anyone who, by taking advantage of the conditions of mental vulnerability or inferiority or individual needs, abusing family, domestic, working relationships or in relation to the custody of the person for care, education, supervision or custody reasons, induces him/her to enter into a marriage or a civil union. Two aggravating circumstances are provided: the penalty is increased if the acts are committed in respect a minor aged less than 18 years (ordinary aggravating circumstance), or it entails imprisonment from 2 to 7 years if the acts are committed in respect of a minor aged 14 (Article 583-quinquies of the Criminal Code).

***Question 6***

Law No. 107/2015 reforming the national education and training system and Legislative Decree 65/2017 on the establishment of an integrated education system from birth to 6 years of age provided for that the education of the age group from 0 to 6 years is also part of the national education system, and falls within the responsibilities of the Ministry of Education, University and Research. In line with this approach, on 20 November 2018, the Department for Family Polices signed a Memorandum of Understanding with the Ministry for Education, University and Research with the aim, inter alia, of collaborating in the collection of data on educational services for children and contributing to strengthening the quality of educational services throughout the national territory. A Memorandum of Understanding was also signed with the National Statistics Institute (ISTAT) and the Ca' Foscari University of Venice on 13 December 2018, with a view to producing, disseminating and analyzing statistical data on the social and educational services for early childhood.

Moreover, over the years the Italian Government has taken considerable measures to ensure effective equal opportunities in access to education and training for women and girls, such as: refreshing the school personnel on the issues of gender and equal opportunities, which has for several years been part of the National Plan of training courses for teachers; promoting the specific role that teachers play with regard to gender and equal opportunities; supporting innovative strategies in secondary and high schools to orientate a greater number of female students towards business, as well as scientific and technological subjects; providing lifelong learning for adult women, etc.

One best practice could be mentioned in this field. Italy being aware that investing in actions that promote women's access to science, technology, engineering and mathematics (STEM) and research is essential to promoting gender equality and women’s career advancement – besides being one of the main tools able to limit the risks for women to be exposed to poverty and discrimination, our Country has started specific initiatives dedicated to students attending primary and secondary schools, with the aim of:

- Increasing their interest in the STEM subjects and combating gender stereotypes in education;

- Facilitating women's access to scientific and technical careers and professions with higher payment levels;

- Exploiting the potential of specific capabilities of women in these areas.

***Questions 7-8-9***

The "National Strategic Plan against male violence against women (2017-2020)”, approved at the meeting of the Council of Ministers on 23 November 2017 after the agreement reached by the Unified Conference the same day, defines the overall strategy to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), through a path shared by all institutional and non-institutional actors involved, according to a logic of partnership and integrated policy-making.

Recalling the structure of the Istanbul Convention and in compliance with international standards, the Plan is divided into three axes of intervention: Prevention, Protection and Support, Prosecution and Punishment; a further cross-cutting implementation axis (Assistance and Promotion) aimed at building an integrated data collection system together with monitoring and evaluation is foreseen.

The Operational Plan, released in July 2019, is a complementary and update document. It is flexible and dynamic in its nature: during the implementation period it will be possible to update and integrate it with further concrete actions and dedicated resources, according to priorities and needs that will emerge from time to time in the debates of both the Technical Committee and the Control Room.

The Operational Plan of the National Strategic Plan against male violence against women (2017-2020) provides for the following scope:

Priority 6.1.1 Promotion of programmes to empower women, fully participate in development processes and combat all forms of violence against women and girls, particularly in relation to harmful traditional practices such as female genital mutilation and early and forced marriages

Priority 6.2 National Commitments

The section of the Plan dedicated to Italy's international commitments will be implemented mainly by the Ministry of Foreign Affairs and International Cooperation. The interventions planned so far concern:

- programmes in favour of women's empowerment, their full participation in development processes and the fight against all forms of violence against women and girls

- cooperation programmes on violence against women in the countries indicated in the Strategic Plan

- interventions to promote the activation of communication and information/awareness-raising systems between the countries of origin of the victims and the host country, so that the methods of solicitation/blackmailing of the victims and the real working conditions that are then reserved for the arrival are made clear, also with the support of diplomatic networks.

With respect to national commitments, the Ministry of Foreign Affairs has provided for the development of national guidelines on violence and gender equality in humanitarian action, strengthening projects in support of women.

***Question 10***

An ad hoc agreement between ISTAT and the Ministry of the Interior, promoted by the Department for Equal Opportunities at the Presidency of the Council of Ministers has been signed and is aimed at monitoring data on gender violence.

Concerning administrative data, the collection process do not cover information on certain forms of violence such as forced marriage, forced abortion and forced sterilization, or the number of children who have witnessed violence.