

SHADOW REPORT

The following document, called Shadow Report, is alternative to the National Report on the implementation of the Beijing Platform of Action in Italy and it has been drafted following a decision taken on October 2nd 2004 ,at the International Women's House, in a meeting promoted by several women's NGOs, (namely: "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 Neal Huston"), in order to draft a Shadow Report on the Italian and international situation from a women's perspective.

The "Shadow Report" contains an introduction on the international situation, while the second part refers to a critical analysis on some of the Italian Government's policies. The third part evaluates issues as Women in Economy, Institutional Mechanisms , Trafficking of Women in the context of Migratory Movements, on the agenda of the Geneva ECE Conference (December 14-15) and the previous NGOs Forum (December 12-13)

SHADOW REPORT

On the women's situation in Italy, ten years after the U.N World Conference on women (Beijing, 1995)

Introduction.

The difficult national and international situation has not managed to make us forget the idea of a new possible way of living globally together, which emerged during the 1995 Ngo's Forum and the IVth UN Conference on Women. Although the new millennium has destroyed a great part of the hopes of the nineties, those ideas are still valid and worth being implemented and improved, if we wish to put an end to that system of fear and hate which seems to rule our world. We cannot ignore that in the last three years events, such as the destruction of the Twin Towers, the wars in Afghanistan and Iraq and the repeated terrorist slaughters have changed the international scenario. The so called globalization of the nineties is turning into a "civilization clash". The changes in the international political arena have obliged many of us to get in a short time acquainted with the different levels of the decisional process even in a country like Italy. A difficult question, since the political awareness is still a contradictory issue. Today, unlike the nineties, the trans national feminist movement seems to be fragmented and not able to build up links between women's subjectivities and decision makers. The World Social Forums have enjoyed the expertise of famous women like Arundati Roy, Vandana Shiva and Shirin Ebadi, but they do not seem to be involved in the political context of relationship amongst women. Therefore it is easily understandable that also within the United Nations, which are undergoing a necessary transformation, women are facing a difficult period. This tackles the "Beijing+10 process", i.e. the monitoring at international level of the implementation of the Platform of Beijing in the different regions of the world. In this context of lack of a trans national feminist movement and of the difficulties met by the women's promoted

strategies, developed within the international institutions during the last ten years, women's autonomous voices need to be heard at all levels where rules governing the world are decided: from the negotiations on environmental issues up to the discussions on the Welfare models needed today, in order to be able to face questions such as migrations, new global solidarity networks and new patterns of cooperation between the North and South of the world.

Although war is regaining legitimacy as an instrument of international governance and shows us - us women - as a soulless reproduction of a senseless humanity (women as jailers and at the same time victims of violence, women as soldiers and at the same time red cross volunteers devoted to children and assistance); although in Italy some members of the government in charge still consider women as objects of protection, to confine inside a family that they would like to be again patriarchal, we Italian women, we as feminists have strived to be present in this international context not only to denounce the lies of an iniquitous world governance. We are aware that the changes taking place in societies need a conflict resolution based on non-violence and on dialogue between the countless differences that women and men from various places and generations embody. But we are especially aware that these changes cannot take place without the critical thinking of our gender difference.

First Part : Unfulfilled commitments

I. Institutions do not take into account women's voice and promote unjust counter-reformation

All recent statistical records attest the growth of the Italian women's subjectivity . Women are more and more present in every field of social and cultural life even if their living conditions are strongly worsening, due to the culture and policy of the government actually in charge. The Report of the Italian Government on the implementation of the Platform of Action of Beijing in our country avoids mentioning women's reality, confining itself to a simple list of laws and provisions. These are substantially related to the activities of the previous centre-left government, which is not being quoted at all. Among them the Prodi-Finocchiaro Directive, Law 125/1991, Law Decree 196/2000 on equality advisors, Law 53/2000 on reconciliation between family and working life and the Consolidation act on paternal leave.

There is probably a guilty conscience within the national institutions, since women's political role is not mentioned

The report, whose drafting falls under the Equality Minister's, Stefania Prestigiacomo, main responsibility, does not make any reference to gender mainstreaming within the institutions. It does not mention either policies held for positive by the ruling majority or some very negative measures - in our opinion - promoted by other members of this government , as they were not of the Equality Minister's concern.

No reference is made to law 30/7/2002, n. 189 (so called Bossi-Fini Law on immigration). The Government, while committing itself to implement antidiscrimination policies, hides the heavy impact of the law on migrant women's rights and on the activities of those who have been working for a long time to fight human being trafficking.

The report does not quote the "White Book on Welfare" that contains dangerous sentences in relation to women's freedom of choice, as the one that refers to a so called Italian "demographic abyss", from which would arise the need of increasing birth rate through demographic policies disrespectful of women's voices and bodies

Neither does the report make any reference to the Law on artificial insemination, which, for the first time after the entering into force of the 1978 Abortion Law, reconsiders the embryo as a

subject with rights to the prejudice of women's bodies. The approval of this Law points out the total lack of consideration towards women's leading role on issues like motherhood and civil life. The Law has received a lot of criticism not only from the women's movement but also from some secular and religious circles. Moreover this Law, promoting discrimination between women and jeopardizing the freedom of research, puts Italy back to the last place within the European context. In the same direction move the government's reforms on public education and labour market.

With regard to Public Education, the Minister's Letizia Moratti, reform of school and university is going to penalize the younger generation, both girls and boys. In fact the early choice between studies and professional training challenges their freedom and improves parents' influence. Academic women are also going to be affected by the growing precariousness in the access to university teaching. Lastly the cuts to the full time schooling system causes huge problems particularly to working mothers.

As far as employment policies are concerned, there is no link between women's employment strategies and the new Law 30 /2003 on Employment (the so called Biagi Law). The consequences of precarious jobs and the contractual jungle makes women's working conditions more difficult and increases practices of maternity blackmailing..

The culture of this government and its distance from the real country can be summed up with the words of Minister Rocco Buttiglione before the European Parliament on October 5th, 2004: "Family exists in order to allow women to have children and be protected by their husbands"

II. No Gender Mainstreaming

Almost all government's policies are missing the gender mainstreaming approach. Notwithstanding that trade union's women activists have repeatedly pointed out the negative impact of the above mentioned laws from a gender point of view, the Minister has not implemented any mainstreaming strategy and also the Parliament has not been engaged in this field .

Although the E.U Structural Funds Regulations for the years 2000-06 require the integration of a gender point of view and of the principle of equality between women and men transversally in all the 2000-2006 planning, the Italian implementation, notwithstanding the engagement of many Regions, has been lacking. The mid term evaluation (2000-03) on the results of the application of gender strategies in The European Social Fund has pointed out that mainstreaming strategies have been mostly included in the tenders of call related to the particular budget line regarding the promotion of equal opportunities between women and men. Whereas, among the other budget lines, women prove to be qualitatively and quantitatively disadvantaged. Less women than men have been included and they have often been the target of basic training strategies which have not been accompanied by coaching measures and do not correspond to the needs of the labour market, with a high percentage of drop out; and have benefited very little of High Standard training.

Such disregard towards gender mainstreaming has caused severe damages in matter of international relations. International relations had significantly improved in the years soon after Beijing. Improvement concerned the institutional framework, particularly the growing interest, at United Nations level, on specific issues such as women's trafficking and cooperation with developing countries, the latter very active with regard to the condition of women within armed conflicts. At present the incapability of the Department for Equality (that is not, despite the letter head, Ministry) to dialogue with foreign policy institutions and civil society on matters related to globalisation creates growing difficulties in

upholding existing good practices, especially in the fields of cooperation with developing countries. Institutional programmes for third world women have been reduced in favour of actions supporting minors and the Department for Cooperation with developing countries of the Ministry for Foreign Affairs shows a tendency to confound young women in the gender neutral group of minors. This trend undermines the specific weight of the analyses and strategies defined within the Beijing Platform of Action and creates heavy obstacles in Italy's follow up action at multilateral level. The only positive perspective rises from actions developed by Local and Regional Authorities, which on several cases have shown interest in appreciating locally based women's experiences and in supporting women victims of violence especially in the areas of the Mediterranean basin, where the exchange of good practices, due to geographical proximity, is easier. However guidelines in favour of women in the field of Decentralized Cooperation do not yet exist.

III: The elimination of the "National Commission for Equality and Equal Opportunities".

The National Commission for Equality and Equal Opportunities instituted at the Prime Minister's department since 1984 and enforced by Law in 1990, has been abolished with a law-decree published on the Official Journal on August 22nd, 2003. At present a new Commission, chaired by the Minister for Equal Opportunities, and consisting of 25 members, has been instituted at the Department for Equality. This Commission does not include, as it previously was, political parties' women representatives. The transformation of an autonomous body into an Executive dependant body has cancelled the Commission's basic principles. The former Commission had a transversal and pluralistic character, interpreted women's expectations, played a role of initiative and promotion of gender policies and above all it was autonomous. In its twenty years history, the Commission embodied the place where democracy, participation, coordination of the regional commissions, dialogue with the different women's groups present in society, promotion of gender sensitive policies have been performed: an autonomous and advisory body towards Government, the Minister for Equality and Parliament. These principles have been in the last years a strong point for equal opportunity policies; of these principles the Commission was warrant. The National Equality Commission gathered women's requests, assembled in networks women's socially active groups, and played a role of initiative and autonomous proposal. It also performed the essential task of wide spreading concretely gender culture not formally, but in a dialectic way, in a country where the strategic value of equality policies is still not socially accepted. Therefore, its suppression weakens not only the institutions, but especially all the women who work, with little coordination, but in a positive and enthusiastic way, in favour of an equality culture at institutional and non institutional levels.

The preparation of the Beijing UN Conference drew migrant women closer to the Italian women and to the Institutions charged with the promotion of equal opportunities. In 1997 the first migrant woman joined the National Commission, promoting a further involvement of migrant women in regional equality councils. Today, migrant women have been excluded from the newly instituted Commission, cancelling a positive experience of participation at national level. The migrant women's participation continues still at regional level. At present, the establishment, (by the 9-7-2003, n.215 legislative decree), of a National Antidiscrimination Unit, enforcing the EU 2000/4 Directive on equal treatment regardless race and ethnic origin, could provide new opportunities for cooperation between migrant organizations including women's groups and a national body.

Second Part: the main issues discussed during Geneva ECE Conferences.

1. Women in Economy (summary)

The growth of women's employment, level of education, especially at university level, professional training and capacities does not correspond to a proper presence of women in the labour market and career and pay gaps are still present. The growth is mainly concentrated in the Centre-North of the country. The Government has not yet decided any concrete measures in order to tackle these contradictions. The alarm for the decreasing birth rate and the ridiculous policies which have been put into force (second child bonus) if, on one hand are in contrast with women's new subjectivity, on the other push them back to traditional family roles, overloading them with all family care responsibilities. In Italy policies regarding joint responsibilities of mother and father do not exist. Kindergartens in working places concern only working mothers and the enterprises' needs. They do not concern either the couple's responsibility or children's educational growth. The percentage of fathers who apply for parental leave is very low (about 1%). The leave periods are short in order to avoid financial losses.

There is a lack of provisions able to promote conditions of work, income and services. Italy implements, vice versa, these policies which consider the traditional family as the major beneficiary of social policies programs. Family is also the main recipient of fiscal deductions, monetary transferral and facilities for housing, following an assistance logics in which individual rights do disappear.

The growth of women's employment (in details)

In the last five years there has been an increase of 1 million and 622 thousand working places, two thirds of which went to women. This has been accompanied by an important growth in the level of education and professional training. Women are more educated and trained than men, but their capacities are less recognized and less paid (the pay gap reaches in some cases 35%)

In spite of the progresses of last ten years through which women can be part of the productive life in the country, employed women are still few. 42,7% employment rate and 48% activity rate, compared to the E.U. average of 60,8%, are still far away from the mid term (55% in 2005) and the long terms (60% in 2010) goals decided during the Lisbon E.U. Council.

It has to be stressed that women's growth is mainly concentrated in the Centre-North, where the employment rate is around 51,5%, while 27,1% in the South. The unemployment rate in the Centre-North is 6,5% and 25,3% in the South. Phenomena as early exit from labour market (it is esteemed that 20% of mothers left the labour market after the first child) and forced maternity renunciation are still persisting.

These data do not show at all how in Italy, from North to South, women (and mostly young women) perceive professional life as a basic element of self determination and freedom and not as an alternative optional to family or children.

In fact the role of “home workers” is disappearing . The woman who does not work for some periods, declares herself unemployed and this also happens more and more in Southern Italy.

. Neither concrete supporting policies on the part of the Government nor the needed attention of the Equality Minister correspond to these changes and the needs expressed by women.

The 2003-05 National Action Plan and the White Book on Welfare do not contain any answer to these needs, in spite of the criticism raised by Trade Unions and women

Reconciliation

Women’s employment is fundamental to reach Lisbon aims, but the model of society proposed to day only gives domestic work to women. Since women are employed in always more atypical jobs , reconciliation between family and working life becomes almost difficult or impossible. From an ISTAT survey, today 52,4% of employed women declare they work 60 hours /week, summing up family and professional work Reconciliation within the couple .between family and working life constitutes a basic cultural principle, if we want to reach a different quality of work and a concrete equality between women and men in all fields of social life.

The Government’s Report states that the legislation of last years has promoted not only women’s employment, but it has also furnished those provisions to reconcile family and working life. The Law 53/2000 on parental leave, the Consolidated Act on Motherhood and other important legal instruments of the previous governments had started to introduce a new culture of redistribution of roles between women and men with regard to family and work. The attempts of the previous legislature to reach a concrete equality in the labour market has been stopped by the different cultural assumptions at the basis of the policies of this Government The same White Book of the Minister for Social Affairs confirms it. In fact, the White Book, seems to pay attention to the increase of women’s employment rate and to the issue of equality, quoted in several chapters. But with regard to the provisions facilitating reconciliation, it affirms the Government’s commitment “to promote those social policies supporting married working mothers and give them the possibility to best reconcile family and working life”. In other words reconciliation policies accompanied by care provisions and facilities also for men are not taken into account.

Precarious working patterns

With regard to the recent labour market Reform and the present economical crisis, we have to consider women’s employment growth not only from a quantitative point of view, but also from a qualitative one.

Analyzing the “White Book on Labour Market “ , Law n 30/2003 which represents its legal basis, the enforcing Decree n. 276 and related rules and the “White Book on Welfare” it ea model emerges of development neither gender nor women’s career friendly.

The report which accompanies Law 30/2003 (Biagi Law) defines the same as “ a law for women’ social inclusion”. Moreover the Law states that : “ the adoption of measures, facilitating the access to part time work and to other flexible time contracts, represents an important positive actions strategy finalized through the reconciliation of family and

working life to the fight against indirect gender discriminations ". It also stresses that part time and flexible works fit employed women with family burdens, widening in that way women's segregation, precariousness and fault of perspectives. In Italy ,17, 3% of employed women have a part time job (3,2% men). 30% states that it has been a free choice in order to reconcile family and professional life. 27% for lack of a full time job (42, 3% men). With regard to flexible work, working women (12,2%) are more than working men (8,2%), with an average growth rate of 40,8%
Actually this Reform, which provides for around 40 different types of contracts, reduces the social security schemes, aims to a fragmentation of the labour market, a disarticulation of representation, the individualization of contracts and tackles trade unions' functions. Insecure are also the rights connected pregnancy.
The lack of working conditions stability will increase, of course, black mailing and sexual harassment.

Social Security

Also the recently approved Social Security Reform (Law 243/2004) is against women. The suppression of flexibility in pension age schemes (57-65 years) and the introduction of a fixed and compulsory age scheme (60 years for women and 65 for men) means that women have to work three years more. Moreover they must have met the other law requirements such as at least 5 years of social insurance paid and a pension amounting 1,2 times the amount of social benefit. Combined social insurance return is foreseen only at the age of 65 or after the payment of 45 years of social insurance apart from age. The law penalize, of course, working women whose retirement age is 60.
Nor must be taken into account the possibility given to women until 2015 to retire at 57 years with 35 years of social insurance paid This dangerous measure could lead to the right of an early retirement in exchange for a heavy reduction of pension money.

Migrant women .

Migrant women, who represent an important resource for the Italian families and economy (since migrant women employed in family care work allow Italian women to reconcile family and professional life), face multiple forms of discrimination and segregation. It is not only a problem of horizontal or vertical segregation or of glass ceiling in work. The only possible language is segregation, segregation and again segregation. The glass ceiling becomes a cement ceiling and there is no possible mobility inside the labour market. Most migrant women arriving in Italy have high school or university level education and professional and working experiences which will be never recognized, since, despite few exceptions, they remain confined to elderly or family care work.

Law 30/2002, n.189 (so called Bossi-Fini Law) binds the entry permission to a stay contract agreement for working reasons. Migrant workers are not considered foreign citizens, but only labour force. A legal entry for migrant women becomes quite impossible since the Italian families prefer to hire directly and do not hire a women worker if they are not acquainted with her.

Law 30/2002,n.189 has introduced other restrictive provisions among which those related to entrance and stay permit only with a work contract, and, in case of dismissal, the possibility of inscription in unemployment lists for only six month. Family rejoining has been severely restricted especially with reference to parents or major children. Although migrant workers are entitled to social security equal treatment, migrant women are penalized in care provisions (maternity or civil invalidity allowances): they have the right to such allowances only if provided with a Stay Paper. These measures endanger and

jeopardize all legal migrant women's life. 1998 Immigration Consolidation Bill aimed to assure those rights to social citizenship that should characterize a serious immigration policy; with the new 2002 Law, such rights are no more guaranteed.

With regard to women asylum seekers, in Italy women refugees suffer the lack of an organic law on asylum rights. Furthermore Italy, as well as most of EU countries, has not yet ratified 1990 U.N. Convention on the protection of the rights of all migrants and of their families.

Due to these restrictions migrants arrive with a tourist visa and they fall, when it expires, into illegality and precarious conditions of life. Therefore they risk to end up in a Temporary Stay Centre (CPT). In such centres are gathered all illegal migrants; many could ask for asylum; many women, victims of trafficking, could have right to social protection. Due to the impossibility for NGO's to assist them, the migrants risk expulsion in disregard of their rights.

The lack of concrete guarantees makes access to credit, even for the purchase of consumer goods, very difficult. At present the only possibilities that migrant women have are two pilot projects on micro credit promoted in Rome by NGO's, (Fondazione Risorsa donna and Compagnia di S. Paolo) with the support of San Paolo IMI Bank and in Turin (by NGO Alma Mater) with support of ethic banks and local institutions. Such projects offer migrant women the possibility to start up micro-businesses or get professional qualification for jobs through vocational training.

Health an social policies

Reproductive Health

In accordance with the organization of Health Services in Italy, the health advisory centres are the local health centres charged of the prevention of abortion and women's health. With regard to the prevention of illnesses of women, the WHO has defined the health advisory centres as a first level out patient's department for reproductive health and women's cancer prevention. Nevertheless they are undergoing a progressive suppression, since the plan providing 1 health advisory centre every for 15.000 inhabitants has never been realized. There is in the moment no evidence of the number of them.

Italy comes soon after Brazil for the high number of caesarean sections. There are no policies able to reduce this phenomenon and inform women on the connected risks.

As it concerns abortion, " procedure more adequate for women " (art.15, L. 194/78) are still not used. More over, medical abortion by use of RU486 (Mefegyn) is not allowed. The advantages of this technique from a clinical, psychological and economical point of view compared to surgical abortion, have been tested in many European countries.

Nurseries

Law 285/1997 and Law 265/2000 promote new child care facilities as micro kindergartens, flexible time schedules, services administered by parents or associations, etc. Some Regions and Municipalities have already acted in this direction. The changes in progress have to be monitored in order to maintain high quality standards. Public Authorities have the task to fix and control these standards.

With regard to kindergartens in working places there are few. This issue has raised a lot of criticism, even if there is the need to increase the number of them. There is the risk that

kindergartens on working places take on the function of a parking place, targeted to working mothers and not to working fathers, and that they coincide with the needs of the companies

2. Institutional mechanism to promote gender equality

Women in the institutions: the electoral Reform and the Reform of Regional Statutes

The issue of the participation of women to decisional processes and decision making bodies in Italy .cannot put off any more 71 women have been elected to the Chamber of Deputies (11,5%) and 26 to the Senate (8,01%). Among 183 States, Italy is at the 73° place according the presence of women in politics.

The Government and The Equality Minister should raise some concern on the total failure of their strategy and the unfulfilled Beijing engagements. What measures has the Government enforced after the change of articles 51 and 117, 7 of the Constitution?

The Minister did not promote any impressive information campaign in matters of equality. The only positive measure taken has been enforced with regard to the European Parliament electoral procedure, by introducing paragraph 1 in Article 3 of the Law approved on April 6th, 2004 “ in the whole electoral constituency lists neither of the two sexes can be represented by more than two third “ . The provision is, indeed, very soft. The national electoral Law has not yet been modified. Nor did the Government intervene on the Regional Authorities in order to implement par,7 of Art, 117: “ regional laws shall remove all obstacles to equal opportunities between women and men in social, cultural, and economical life, promoting an equal access to elective and governmental offices “ in accordance with the Constitution. The only Regions who approved a new electoral law are Sicily and Tuscany due to the strong pressure of women’s organizations and some institutional bodies. Unless an institutional miracle occurs during the next regional elections foreseen for next spring, the Regions will openly violate a constitutional rule and the Italian women will again pay for it .

Gender policies in the European context

Both the Amsterdam Treaty and the Charter of EU Fundamental Rights, besides the inter alia prohibition of discrimination on the ground of sex, contain specific provisions promoting equality between women and men. The insertion in the Charter of a specific and autonomous right to substantial equality between women and men is the result of the Euro-feminist battle to affirm that women cannot be identified with a discriminated group among others.

However, the approach of the Italian Ministry for Equality identifies and reduces the notion of equality between women and men to the antidiscrimination/equal treatment/formal equality approach. The identification of the notion of equality with the prohibition of discrimination is in contradiction with the above mentioned provisions and with the traditional EU approach.

Since 1976, the EU, besides equal treatment, has provided for positive actions of promotion of equality in employment and professional fields. In the light of these European provisions the current approach of the Equality Department is partial and

limited. In addition, the Italian government's approach does not correspond to a correct implementation of the above mentioned European provisions since it wipes out a specific gender perspective in favour of a general anti discriminatory perspective and dilutes specific gender policies within general anti discriminatory policies.

Neither does it correspond to a correct implementation of gender mainstreaming strategy which, according to the European Commission, implies the inclusion of a gender perspective in all policies as well as specific actions in favour of women.

In order to reinforce a gender perspective within policies aimed at fighting race, ethnic, religious and other types of discriminations, it is necessary to reinforce specific institutional mechanisms promoting gender equality.

In order to implement the disposal of Art.23 of the Charter EU Fundamental Rights and insure substantial equality, it is necessary to correct the present trend to transform the Equal Opportunity Ministry into a structure promoting general anti discriminatory policies.

3. Trafficking of women in the context of migration movements

Forced prostitution and women's trafficking are long lasting phenomena which evolve continuously in their patterns, places, contexts and ways. These changes concern the countries of origin, the recruitment and exploitation modalities, place and time schedules of prostitution. The evolution in progress, also, has depended on criminal organizations' professional growth. These, like real and proper enterprises, are able according to a market analysis, to diversify investments, to modify structure and organization in order to gain new and always richer markets, absorbing human "goods" from the endless markets of global poverty and distress.

The art.18 of the Law on Immigration (The Law n. 40/1998, so called Turco-Napolitano Law on immigration)

Since 1996, Italy has started to tackle this issue, as suggested in the Beijing Platform for Action which has been absorbed into the 1997 Prodi-Finocchiaro Directive, by introducing Art. 18 into The Law on Immigration.

The choice of this Article has been widely recognized as successful and the policies which followed its entering into force, were considered at international level as good practices.

This Article intentionally inserted within the humanitarian aids section, has been deemed very innovative concerning the respect of the human rights of the victims of trafficking, it betters the previous prize awarding legislation and allows to deliver a stay permit with or without victim's legal complaint, in order to enter in a social protection program and escape from a dangerous condition and her exploiters' violence.

A provision for the defence of the fundamental rights of the victims of crimes which have deeply hurt their dignity, A Law, that as such, turns itself into the right of the weakest even with regard to the State's powers whose laws in matters of entry and stay permits can be derogated, while funding programs are budgeted in favour of victims' assistance and social integration

Art 18 gives the opportunity to join social inclusion, assistance and social integration programs deemed as a reformulation of the migratory project under conditions of legality, safety and freedom.

In its first three years, since implementation, the provision has been very effective: took off from traders more than 2000 women with stay permit (against 5000 requests) giving to more than 80% of those included in social protection programs (funded, thanks to art. 18, by local authorities, managed by accountable Ngos and supported by toll-free numbers) the opportunity of being trained and employed.

The damages of the Law n. 189/2002 (so called Bossi-Fini Law on immigration)

The missing value of this model from 2002 up to now depends on the policies change on trafficking produced by the Law n.189/2002.

And if the Law n.189 still includes Art 18, it misunderstands the underlying principles and purview, tackles and worsens the application, making difficult the help to victims and traders fight.

In fact the Police and the Court who were already considering art 18 only for repentant criminals, are induced to exercise their discretionary power: this attitude prevents many trafficked women the access to social protection projects (without legal complaints) drastically reducing social protection permits delivery and considerably increasing the time (even 12 months) to obtain "legal" permits. On the other side, when applied, social protection program fights criminals: victims, felt protected, choose to complaint and give information precious for inquiry.

The current Law has created different behaviours among Police stations with regard to the delivery of stay permits for social protection.

Moreover bureaucracy has raised other long lasting problems and the girls have to return several times to the Police stations for the stay permits.

The Law n.189 has determined a situation of confusion and abuses due to misunderstandings endangering trafficked women and the social protection projects.

These the main damages.

-The growth of Police repression, forced expulsion and the reclusion in Temporary Stay Centres.

The Government' policies are turning into frequent mass expulsions without taking into account individual's rights and violating the right to enjoy social protection projects. Once brought by the Police in a Temporary Stay Centre, trafficked women, without stay permit, are not informed about the possibilities offered by Art 18 and they are subjected to the Government's repressive policies.

The new Law on Immigration shifts Police's human and financial resources, from the fight against traders and exploiters to repressive actions of great impact such as mass expulsion, with the illusion to contrast illegal migration, criminalizing the victims of trafficking scaring them with expulsions and arrests pushing them to joint exploitation nets that help them in their migration projects. They don't consider Police as an helping institution but as a problem/enemy to face.

The Law, therefore, does not stimulate the victims' access to social promotion projects, and pushing them to reinforce their submission towards the exploiters strengthen their power of control.

-Decreasing of street prostitution (with an average rate of 50% between 2002 and 2003), but increase of those processes which induce the racket to organize indoor prostitution exploitation. This promote illegal activities , makes it difficult to get in touch with the victims , increase the risks of psychological control and violence.

-Decreasing of the funding related to Art 18 , lack of transparency in funding projects, fault of coordination among the different institutions involved. There is a general fault of information on data and results achieved.

The evaluation of the new Law against Trafficking (L228/2003) is generally positive. There is also criticism since the enforcing rules have not yet been approved and there is a lack of transparency in the use of funds.

The Government's proposed Law in matters of prostitution if approved would not take away prostitution from reality but just from sight. Girls would be hidden inside apartments, controlled by their exploiters, without possibility of being helped, without having the opportunity to refuse unprotected sexual intercourses.

Fight against human being trafficking will become, if the law is approved, even more difficult.

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No.Di (I nostri diritti) (Pilar Saravia)
Nosotras (Firenze)
Paese delle donne
Pro.do.c.s. (Progetto domani cultura e solidarietà) (Annamaria Donnarumma)
Rete comunicazione europea (Anna Baghi)
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Uil nazionale – Pensionati (Graziana del Pierre)
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