



SPECIFIC PROGRAMME

**RIGHTS, EQUALITY AND CITIZENSHIP/JUSTICE
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GEMMA against Violence:

Gender based Empowerment of Migrants through a Multiagency Approach

WORKSTREAM 1

**Preliminary analysis of Context, State of knowledge
about migrant/ethnic minority women survived to
violence in close or intimate relationships:
The Italian Case Study**

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1 Introduction

Migrants and ethnic minority women and girls may migrate for a variety of reasons and may be more exposed to experience violence not only at the start of the migration process (acting as a motivation to flight their country) but also as part of their lives at arrival due to gender inequalities (existing in both origin and destination societies) as well as their status of foreigners (lack of local language skills, inadequate access to appropriate jobs, limited knowledge of their rights).

According with the latter considerations this report aims to illustrate the situation of migrants and ethnic minority women at risk or survived to violence in Italy. The demography of migrants and ethnic minority groups living in country is explored together with the form of violence that migrant/ethnic minority women had mainly experienced.

Furthermore a legislative overview and a framework on the most important policies and measures to prevent and combat gender-based violence in Italy and in the municipality of Milan is given.

2. Migrant/ethnic minority women survived or at risk of violence in the Euro-Mediterranean region and in Italy

2.1 Migrant/ethnic minority women living in Italy

Women, like men, migrate for a variety of different reasons and follow a wide range of migratory trajectories. However, the obstacles and dangers to migration may be different for women, with additional sources of insecurities related to gendered inequalities in their economic, social and political situation (Freedman, 2003).

During the last decade the migration phenomenon to Italy has changed due to geopolitical transformations and conflicts taking place in regions of the Middle East and Sub-Saharan Africa as well as to the influences that the economic crisis had on the Italian labour market (ISMU, 2016).

While wars, conflicts, violations of human rights, and extreme poverty are the main 'push factors' that fuel migration across the Mediterranean, it is also necessary to acknowledge that today the migration project involves more and more families (out of 4,010,992 foreigners legally residing in Italy, 1,205,412 became resident as a result of family reunification, about 30% of the total number), reflecting a growing stabilization (ISMU, 2016)

According to the Italian Institute of Statistic (ISTAT, 2015) up to December 2014 the total number of foreigners living in Italy were 5.014.439, that represents around the 8% of the total population. More than half of them (2.641.641) were women, making up the 52.7% of all regular migrants in Italy and attesting a constant progression in the feminisation of migration.

In the same year, Rom and Sinti were estimated to be 180.000 (ISTAT, 2014). It is difficult to have a precise indication of number and distribution of them in Italy as population census does not take into account data referring to minority groups. Furthermore, these individuals are divided into subgroups with diverse legal status: Italian Roma and Sinti; Roma from the former Yugoslavia – who came as war refugees in the 1990s and are non-EU citizens, or even stateless, and Roma from Eastern Europe, mainly Romania and Bulgaria (ERFT, 2015).



According to the estimates of the regional distribution of “Roma” population in Italy (Strati, 2011) more than half “Roma” people in Italy are immigrants and fall within the latter category, the other share of “Roma” population is “Italian Roma”, but they do not benefit of any specific recognition. In fact although Sinti and Roma have similar dialects attributable to the romanés language and Camminanti speak a local language, they are not recognised as national minorities.

Italy counts around 200 different nationalities on its territory. Over the 50% of them are European: Romanian are the most represented (22,6%) followed by Albanian (9,8%). The remaining 50% are represented by Central East Europe countries (not EU) such as Ukraine (4,5%) and Moldova (2,9%), African countries, in particular Northern African (13,5%) and Eastern African countries (5,7%) (out of which Moroccans are represented in the 9%) and Asian countries in the 20% approximately (China 5,3%; Philippines 3,4%; India 2,9% and Bangladesh 2,3%).

TABLE 1: Distribution of the foreigner population living in Italy (ISTAT, 2014)

Country of origin	Total	Male	Female	Total	% Female
Romania	1.131.839	487.2013	644.636	22%	57.0
Albania	490.483	254.622	235.861	9.8%	48.1
Morocco	449.058	243.052	206.006	9.0%	45.9
China	265.820	135.447	130.373	5.3	49.0
Ukraine	226.060	47.393	178.667	4.5	79.0
Philippines	168.238	73.320	94.918	3.4	56.4
India	147.815	88.838	58.977	2.9	39.9
Moldova	147.388	49.929	97.459	2.9	66.1
Bangladesh	115.301	81.185	34.116	2.3	29.6
Peru'	109.668	45.653	64.015	2.2	58.4
Other countries	1.762.767	866.154	896.613	35.2	50.9
Total	5.014.439	2.372.796	2.641.641	100	52.7

Women living in Italy, in order of numeric relevance, are represented by Romanian, followed by Albanian, Marocain, Ukrainian and Chinese. While is possible to observe a quite equal distribution per gender within most migrant groups, Ukrainian, Moldavian and Romanian women represent a very big percentage of their community (79%, 66,1% and 57% respectively).

Globally the migration within the peninsula move constantly towards the Northern and Central areas of the nation, where most migrants live (3.001.385 and 1.275.845 respectively) and in smaller amount in the Southern areas and in the Islands (541.844 and 219.195 respectively).

Due to the increasing migrant flow to European countries that took place during the past few years (only in 2014 Italy received a massive flow of 170.000 asylum seekers and migrants), there was an increase of some nationalities such as Gambian (+50%), Mali (+40%), Afghan (+15,4%), Libyan (+13,1%), Somali (+12,3%), Nigerian (+6,5%) and Egyptian (+8,0%) and women fleeing to Italy were mainly Egyptian (35,6%), Eritrean (26,4%), Somali (26,3%) and



Nigerian (23,9%). (SPRAR, 2014)

Furthermore data gathered in Lombardy by the Regional Observatory for Integration and Multiethnicity (ORIM, 2016) points out that lately, due to the risky conditions of Italian-Libyan channel, migrants from Syria and Afghanistan flee preferably to East Mediterranean countries like Greece, while Italy is still receiving on its borders many migrants from Sub Saharan regions.

In this scenario, the amount of migrants fleeing from countries where they experienced violence and persecution and seek for asylum and humanitarian protection in Italy is very relevant.

2.2 Migrant/ethnic minority women vulnerability to violence in the Euro-Mediterranean region

Gender-related persecutions and violence may be the cause of women's decision to migrate and may also be exercised as a means of forcing women to migrate, as in the case of trafficking of women for the purposes of sexual or domestic exploitation.

Women may also be vulnerable to violence during their journey to the Euro- Mediterranean region. Research has demonstrated, for example, the extent of violence against women asylum seekers as they attempt to reach one of the member states of the EU (Freedman, 2007) or the growing problem of violence against sub-Saharan African women in Morocco by security guards and fellow migrants (MSF, 2005).

On the arrival in one of the countries of the Euro-Mediterranean regions, migrant and refugee women are also vulnerable to various types of violence. This violence may occur within their families or communities, in their workplaces, or within larger social structures. Perpetrators of violence may include close relations, employers or in other cases individuals who are previously unknown to these women (Freedman & Jamal, 2008).

Violence not only occurs in the family and in the general community, but is sometimes also condoned or perpetuated by institutional and administrative structures through policies or the actions of agents of the state such as the police, military or immigration authorities (UNIFEM, 2002) Women's vulnerability to violence may be aggravated in some cases by accommodation and economic insecurities which may expose them to the risk of sexual assault or violence. Moreover the lack of a proper legal and social protection can lead them to be recruited for jobs which are often largely unskilled, low-paid and result for them in further insecurity and risk of violence (Anderson, 2000).

For migrant and refugee women who are victims of violence, insecurity may be reinforced by the woman's legal status (for example, women who do not have legal residence status may be reluctant to contact the relevant police or judicial authorities) and by the interaction of gendered and racial discriminations which mean that violence against them is not recognised or not taken seriously (Freedman & Jamal, 2008).

In the case of conjugal violence, a woman may be reluctant to denounce her violent partner in cases where she is dependent on him for her legal residence status. In other cases, conjugal violence may not be treated seriously by national authorities, and may be attributed to "cultural" differences. Institutional and structural racism may also prevent police and judicial authorities from recognising or taking seriously forms of racist and sexist violence which



occur against migrant and refugee women in their societies (Freedman & Jamal, 2008).



3. Migrant/ethnic minority women in Italy: nature and prevalence of violence experienced in relation with their ethnical/cultural belonging

3.1 Migrant women: nature and prevalence of violence experienced in relation with their cultural belonging

Although violence is a widespread phenomenon and migrant/ethnic minority women are subject to the same types of violence as local women, the specificity of their positions as migrants and minority group women may in some cases increase their vulnerability to certain forms of violence (such as Forced Marriages: Annex 1; Female Genital Mutilation: Annex 2 and Human Trafficking for sexual exploitation Annex 3) and may limit the forms of protection and redress to which they have access.

Nevertheless according to the Italian Census Report on Violence against Women most of the violence experienced throughout a woman's life cycle is domestic, occurring within the home and perpetrated by those to whom the woman is closest.

According to ISTAT (2015) migrant women (to which they refer to as "foreigners") experience physical and sexual violence during their life similarly to Italian ones (31,3% foreigner and 31,5% Italians). It's possible to suppose that violence within migrant/ethnic minority group of women is largely under-reported and that the level and type of violence they are exposed to remain unseen or un-investigated.

Given these preconditions the following are the national data collected on the gender based violence phenomenon within Italian and migrant women.

Physical violence is more prevalent between foreigner women (25,7% in foreigners and 19,6% in Italian) while sexual violence is more reported by Italians (16,2% in foreigners 21,5% in Italians).

The most serious types of **sexual violence**, such as rape or attempted rape, are more experienced by foreigner women (7,7% and 5,1%), while Italian women mainly experience sexual harassment from strangers.

Based on their belonging, the women most exposed to violence are Moldavian (37,3%), Romanian (33,9%) and Ukrainian (33,2%), followed by Moroccan (21,7%), Albanian (18,8%) and Chinese (16,4%). Physical violence is generally the most occurring violence among them, while rapes or attempted rapes affect specifically Moldavian women (11,7%).

Foreigner women are more often victim of **violence that is perpetrated by partners or ex partners** (20,4% and 12,9% respectively) and rarely from other men.

Only for Chinese women, as well as for Italians, violence perpetrators are mainly strangers.

Foreigner women who experienced violence from an ex-partner are 27,9%, but for the 46,6% of them, the relationship was over before coming to Italy.

For foreigners women, partners are usually the authors of the most brutal violence: rapes (68,3%), strangulation, burning, suffocation (90,4%). Partners or ex-partners are also more often authors of attempted rapes (42,6%) and physical harassment often occur together with threats, object throwing and the use/or the threat of using a weapon.

Usually the violence perpetrated by the partner (68,9%) began in the origin country, only in the 20% of cases is related to a relationship established in Italy.



The violence foreigner women experience is often **severe**: they report injuries (44,5%) and fear for their life (44,2%), even though the percentage of women who recognises these facts as very serious is inferior (36,6%).

Foreigner women are victims of **violence within their current relationship** in the 4,9% of cases, while Italians in the 2,8%.

During the last 5 years Romanian and Moroccan women were the most subjected to violence (13,7% and 13,5% respectively), the latter one are victim of violence that is perpetrated by their partners in a alarming percentage (11%).

In the 19,9% migrant women experience **stalking** from ex-partner, highest rates are registered for Albanian women (21,3%), Moldavian (20,3%), Chinese (18,3%) and Romanian ones (18,2%).

Generally foreigner women are more exposed to **psychological violence** compared to the national rates. The most exposed to this type of violence are Moroccan women (50,9%), followed by Moldavian, Chinese, Romanian and Ukrainian. Chinese women in particular report high rates of psychological violence (33,3%) if compared to physical and sexual violence.

TABLE 2: Italian National Report on Violence against women ISTAT 2014

Nationality	Italian	Romanian	Ukrainian	Albanian	Moroccan	Chinese	Moldovans	Others
Type of violence								
Sexual or Physical violence	31,5	33,9	33,2	18,8	21,7	16,4	37,3	34,1
Physical violence	19,6	27,2	28,5	14,2	19,3	13,3	33,5	27,8
Sexual violence	21,5	18	15,2	11,2	12,2	6	18,9	17,8
Rape or attempted rape	5,1	6,3	8,1	4,2	3	2,1	11,7	10,1
Rape	2,8	4,3	5,4	3,5	1,7	0,7	8,5	6,9
Attempted rape	3,3	4,4	6	2,2	2,2	1,9	8,3	5,3

3.2 Ethnic minority women: nature and prevalence of violence experienced

For what concerns women belonging to ethnic minority group, there are none national official data. Nevertheless some international agencies, such as the European Roma Rights Centre ERRC (who monitored cases of violence against Roma) and the European Roma and Travellers Forum, undertake some studies during 2011 and 2015 on the Roma situation in Italy.

In 2011 ERRC conducted a research on violence against Romani women in Italy, interviewing 88 Roma women in Turin, Rome and Reggio Calabria. The research revealed that 26% of Romani women respondents reported suffering **abuse by police** including



physical violence, degrading treatment, racist remarks during violent attacks and **sexual harassments**.

Many women did not want to answer questions related to violence, due to fear for their own safety. Incidents perpetrated by law enforcement officials and non-state actors continue in a climate of absolute impunity. The violent incidents reported occurred inside police stations, on the streets or inside shops and in the context of evictions. The very few Roma that reported the abuses to a competent institution did not obtain any justice.

According to local NGOs and lawyers, Romani women are particularly targeted by police and charged with resistance to public officials as a way of preventing them from filing charges against the police for ill or degrading treatment. As a result, many Roma do not file charges for inhumane treatment but rather agree to bargain a plea in order to be released. **Anti- Roma sentiment** also plagues the Italian judiciary system, which often means a presumption of guilt by judges in the case of Roma.

The European Roma and Travellers Forum (ERFT, 2015) reported that the average situation of Roma women in core areas of life is worse than Roma men. The gender gap in education may be significantly increased by early marriages, as 2% of Roma girls aged 10 to 15 all over Europe are “traditionally” married and 16% of 16-17 year-old girls. Concerning employment, the data reveal the traditional division between women and men: Roma women are more likely to be full-time housekeepers. Moreover, Roma women are less aware of their rights and anti-discrimination legislation.

In August 2011 the Committee on the Elimination of Discrimination against Women made recommendations to the Italian government concerning the situation of Romani women especially on the issue of violence.

3.3 Migrant women in Milan: nature, prevalence of violence experienced and access to services

At a local level the most important regions for migrants’ reception are Sicily, on the national border and Lombardy in the Northern area of the country, where there are 544 centres hosting around the 13% of the total number of migrants. Milan that is Lombardy’s country seat is also the city where our project takes place.

In 2013 a research on violence against women took place thanks to the participation of the nine most important services working in the municipality (Osservatorio Permanente sulla Violenza di genere – Provincia di Milano, 2013).

During 2013 around 1500 women asked for help to the nine services of the network operating in the province of Milan . These women mainly made the first contact by phone and more rarely by technological means. Foreigner women most frequently approached the services in person, probably due to the difficulty of communicating by phone in Italian.

Over the 65% of the women were Italians, while among the foreigners, Peruvian women were the most represented.

Latin American women represent the 40% of women asking for help (Peruvian 4.6%; Ecuadorian 2,5%; Brazilian 1,3%; Bolivian 0,7%; Argentinean 0,7%) , followed by European women (Romanian 2,6%; Ukrainian 1,9 % Moldovian 0,7%; Albanian 0,7%), Asian women



(Philippines 1,4%; Sri-Lankan 0,9%; Chinese 0,6%) and African (Moroccan 2,3%; Egyptian 0,7%).

TABLE 3: Monitoring Unit on GBV: women reporting violence in Milan Municipality (2013)

	Frequency	%
Italy	1.037	69
Peru	69	4.6
Romania	39	2.6
Ecuador	37	2.5
Marocco	34	2.3
Ukraine	28	1.9
Philippines	21	1.4
Brasil	19	1.3
Sri Lanka	14	0.9
Bolivia	11	0.7
Egipt	11	0.7
Albania	10	0.7
Argentina	10	0.7
Moldova	10	0.7
China	9	0.6
Other	144	9.6
Total	1.534	100

While over the 75% of Italian women took a direct contact with the violence services, **foreigner women were referred by the ER or from other social or medical services.**

Compared to Italians, foreigner women more often got to services because of **physical violence** and when referred or accompanied by others.

The **lack of social connections and knowledge on available services** were seen as **big barriers** for these women to get help and were also seen as important target to work on in order to reach them.

The main motivations that drove both, Italian and foreigner women, to the services asking for help, were fear and disperation feelings generated by the violence's escalation.

Usually women asked for general information and for **legal and psychological counselling**. Foreigners, more often than Italians, also asked for **shelter**. In fact although foreigner women find more barriers in accessing institutional support and services, they have to rely on them more, as their social protective network are weaker compared to italian women.

Economical independency plays a very important role for all women in their ability to free themselves from the violence circle. More than half of all women survived to violence, had some sort of financial sources, nevertheless the abuser's financial support was in many cases very relevant. **Economical dependency** represented an **obstacle to get free from violence in the 16% of cases for foreigners women** (and in the 8% for Italians).

Financial barriers were usually also entangled with emotional/relational ones, in fact in the 80% of cases the violence's perpetrator was a partner and sometimes a family member or a relative.





4 Migrant/ethnic minority women violence survivors protective laws and protective measures

An effective, holistic response to combating violence against migrants and ethnic minority women requires that many coordinated and mutually supportive measures are taken.

The following chapter focuses on legal and protective measures to protect migrant and ethnic minority women against violence and discrimination.

In fact as pointed out by CEDAW¹ in 1992 States should take holistic and coordinated responses in order to prevent and combat violence against women including: effective legal measures (laws, sanctions and civil remedies) , preventive measures (information and education programmes) and protective measures (rehabilitation actions and support services).

Drawing from the international framework on migrant/ethnic minority laws and on gender based violence, the most important legal measures are explored, both at the international and national level.

Furthermore the main protective measures taken to combat and prevent violence and discrimination against migrant and ethnic minority women is also explored within the Italian context and the Municipality of Milan, where the GEMMA project takes place.

4.1 International legal measures on migrants

- **1950: European convention of human rights ECHR**
Ratified in Italy by law 848/1955
- **1951: Geneva convention and additional protocol (1967)**
Ratified in Italy by law 722/1954 and law 14/197
- **1990: Dublin Convention**
Ratified in Italy by law 523/1992
- **2000: Directive 2000/C 364/01 Charter of Fundamental Rights of the European Union**
Ratified in Italy by law 57/2005.
- **2000: Palermo protocol or United Nations Convention against organised Transnational Crimes.**
Ratified in Italy by law 146/2006
- **2003 and 2013: Updates on Dublin Convention Dublin II, and Dublin III (European regulation 2013/603/CE)**
Implemented in Italy on January 2014

4.2 Italian legal measures on migrants

¹ Committee on the Elimination of Discrimination against Women/
See the Italian CEDAW Shadow Report for key issues on its implementation in the country for migrant/ethnic minority women.



The Italian Constitution and the implementation of European directives makes Italy a nation with high protection standards on victims of trafficking and exploitation. On the other hand, due to the lack of a legal comprehensive framework, laws are not always implemented as they should and the protection measures often fail. Moreover, over the past few years, a widespread negative attitude towards migrants and worries on security led to the increase of the discrimination against migrants. This situation is also evidenced by the embitterment of many norms and policies, such as restrictions to the permanence permit in the CIE and tougher requirements to obtain residency permit and citizenship.

Below a synthetic analysis of the main norms and laws on migrants, ethnic minorities and gender based violence.

- **Art. 3 & 10, 1947 Constitution of the Italian Republic;**

All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

The legal status of foreigners is regulated by law in conformity with international provisions and treaties.

A foreigner who is denied the effective exercise of the democratic liberties guaranteed by the Italian Constitution in his or her own country, has the right of asylum in the territory of the Italian Republic, in accordance with the conditions established by law.

- **Law 39/1990, Regulations on the matter of Asylum (Martelli Law);**

Italy's first comprehensive immigration legislation aimed to attract multilateral attention to Italy's growing immigration concerns and to increase "burden-sharing" to help Italy manage its increasingly busy borders.

- **Legislative Decree 286/1998, Comprehensive Text on Immigration Law;**

The Immigration Act for the first time separated humanitarian and refugee issues from immigration policy matters. This new legislation provided for tougher action on illegal immigration, limited immigrant admissions based on quotas, and gave greater attention to immigrant integration issues. This has ultimately had the effect of bringing Italian policy in line with the Schengen Agreement.

This law also addressed trafficking in human beings: art. 18 of Legislative decree established the requirements for a special stay permit release. It outlines two parallel ways of obtaining a stay permit: social protection and judicial collaboration. The release of a stay permit out of social protection reasons does not lay down any obligation to report to the police on the victim's side. The stay permit application can be filed not only by the Public Prosecutor, in cases where legal action is underway, but also by the social services of Local Entities or no-profit associations in charge of social protection projects. Subsequently, the local police authority issues the stay permit for humanitarian reasons.

- **Legislative Decree 189/2002, Bossi Fini Law, Amends and clauses to the Immigration Act 1998;**

Introduced significant changes such as immigrant quotas, mandatory employer-immigrant contracts, stricter illegal immigration deportation practices, amnesty for illegal immigrants who have worked and lived in the country for over three months, and new provincial immigration offices to help manage immigrant worker and family reunification cases. The law also provides for legalization of two types of irregular immigrants: those employed either as domestic workers and home-helpers or as dependent workers.



- **Legislative Decree 85/2003, Implementive Council Directive 2001/55/EC, Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons;**

In case of a mass influx of migrant or imminent mass influx of migrant grant them 1 year long temporary protection permit, renewable for maximum 1 year.

- **Legislative Decree 140/2005, Implementing directive 2003/9/EC, Minimum standards for the reception of asylum seekers;**

Art.8 take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence and define the implementation of reception conditions and health care for them.

- **Legislative Decree 5/2007, Implementation of the European Directive on Family reunification;**

This Directive determines the conditions under which family reunification is granted, as well as the rights of the family members concerned. On the basis of this legislative instrument, legally residing non-EU nationals can bring their spouse, under-age children and the children of their spouse to the EU State in which they are residing. EU States may also authorise reunification with an unmarried partner, adult dependant children, or dependant older relatives. Once in the EU, eligible family members receive a residence permit and obtain access to education, employment and to vocational training on the same basis as other non-EU nationals. After a maximum of five years of residence, family members may apply for autonomous status if the family links still exist.

- **Legislative Decree 25/2008 , Implementation of the European Directive regarding minimum standards on procedures in Member States for granting and withdrawing refugee status;**

This law discipline the minimum standards for procedures, applied in EU for identification and cancellation of refugee state. Subsequently was issued the Directive 2013/32/EU that increase the common procedure for identification and cancellation of refugee state.

- **Law 94/2009, Dispositions on the matter of security (Berlusconi Government);**

Introduced by the fourth Berlusconi government and has drawn attention for its extremity. It encouraged rapid expulsions and repatriations, it made irregular immigration a criminal offence punishable by a fine or imprisonment. These measures were subject of a ruling of the European Court of Justice in 2011 who restricted the application of imprisonment in the framework of return policies.

- **Legislative Decree 18/2014 modify several dispositions of the LD 251/2007 and of the Article 29 of the Comprehensive Text on Immigration Laws 1998;**

It improves the standards for the recognition of the refugee status and subsidiary protection status and it also extend to five years the duration the subsidiary protection residence permit.

- **Legislative Decree 142/2015, Implementing directives 2013/33/EU and 2013/32/EU standards for the reception of applicants for international protection;**

Implemented into the National legislations the reception conditions set out by the EU. It clarified that in the first reception centres and in the temporary ones the respect of private



life, gender and age specific concerns, physical and mental health, family unit and the situation of vulnerable persons had to be ensured. Measures to prevent any form of violence and to ensure the safety and security of applicants had to be adopted. The Decree clarified also that asylum applicants are free to exit from the reception centres during the daytime but they have the duty to re-enter during the night time. The applicant can ask the Prefect a temporary permit to leave the centre in different hours for relevant personal reasons or for those related to the asylum procedure. The personnel working in the reception centres have to be properly skilled and have the duty to guarantee the privacy of data concerning the applicants living in the centres.

- **D.P.R 21/2015 implementation of the National Decree 25/2008**

- **DPCM 2015 Flow Decree;**

Immigration policy that states when and how non-EU foreigners can enter Italy for working reasons (visa related to study, family, and highly specialized jobs don't fall within this category).

4.3 International legal measures on ethnic minorities

- **European Charter for Regional or Minority Languages**

adopted by the Council of Europe in 1992. Italy signed it in 2000 but never ratified it.

- **Framework Convention for the Protection of National Minorities (FCNM)**

Adopted in 1995 by the Council of Europe. Italy signed it in 1997.

- **Universal Declaration of Linguistic Rights**

Approved by UNESCO in 1996

- **Universal Declaration on Cultural Diversity**

Adopted by UNESCO in 2001.

- **European anti-discrimination Directives 2000/43/EC**

The adoption in 2000 of the under Article 13 of the EC Treaty constitutes a significant step forward to secure equal treatment for racial, ethnic and religious minorities across Europe. For the first time, people in Europe had common standards of protection from discrimination on the grounds of racial and ethnic origin, and, to a more limited extent, religion or belief.

This provided a legislative framework for enabling the social and economic integration of migrants and ethnic minorities in practice.

- **Resolution on the Eu Strategy on Roma Inclusion**

Adopted by the EU Parliament in 2011

- **EU Framework for National Roma Integration Strategies up to 2020**

4.4 Italian legal measures on ethnic minorities

Only little measures were taken in Italy with the aim of enhancing the integration of migrant, Roma and Sinti women into the Italian society, linger in a state of multiple discriminations with respect to accessing education, health, employment and are also not protected to the



violence they face in their own communities (ex. early marriages).

No specific piece of legislation of our legal system recognises and protects the Roma communities living in Italy as linguistic minorities. Despite the commitment entered into by Parliament and the various projects that have been tabled, a specific national piece of legislation for the cultural and linguistic recognition and protection of the Roma population has not yet been adopted in Italy.

- **Law 306/1962 implements the Convention of New York relating to the status of stateless persons;**

The complex Italian legal framework is supposed to protect stateless persons and grant them the same rights as political refugees, such as document of identity, residence, work, health care, social security and the opportunity to apply for Italian citizenship after five years of regular residence, etc. However, the procedures to be recognised as stateless are uncertain and complicated, thus people seeking and obtaining the *de jure* stateless status are rare.

As a matter of fact, some Roma resort to seeking international protection or humanitarian protection.

- **Article 3 Law 654/1975 Ratification and Implementation of the International Convention on the Elimination of all forms of Racial Discrimination (1965);**

It provides for penalties for anyone who supports organisations or groups that aim to solicit discrimination.

- **Law 205/1993 or The Mancino Law;**

Regulate on those who incite violence or racial, ethnic and religious discrimination. The Mancino Law also makes it a crime to “instigate in any way or commit violence or acts of provocation to violence for racist, ethnic, national or religious motives and to propagate ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives.

- **Law 215/2003 Anti discrimination transposing Directive 2000/43/EC;**

The Decree establishes that the Government shall provide for the creation of an office charged with the implementation in an autonomous and impartial manner of activities relating to the promotion of equal treatment and the elimination of discrimination based on race or ethnic origin.

- **Legislative Decree 30/2007 transposing the Free Movement Directive 38/2004/CE;**

On the right of citizens of the European Union and their family members to move and reside freely within the territory of the Member States and has been later amended by the Legislative Decree 32/2008.

- **Resolution adopted by the Committee of Ministers on 4 July 2012 on the implementation of the Framework Convention by Italy contained a reference to the lack of a legislative framework for the integration and the protection of Roma and Sinti.**

4.5 International legal measures on gender based violence

- **CEDAW: Convention on the elimination of all form of discrimination against women, 1979;**



Ratified in Italy in 1985 and subscribe the additional protocol in 2002

- **UN Convention 1993: Declaration on the elimination of violence against women.**
It has not been ratified in Italy.

- **Declaration and platform to action of Beijing, 1995;**
It took place for the fourth world conference on women.

- **Rome statute of the international criminal court, 1998;**
This statute is not ratified in Italy, but the art.10 of the Constitution recognizes international law.

The crimes in this document are: crime of genocide, crime against humanity, forced pregnancy, all types of sexual violence, enslavement, persecution, deportation, war crime, torture.

- **UN Security Council Resolution: Women, Peace and Security 1325/2000;**
It provides guidelines in which to base action plans. It is based on the 3P paradigm: Prevention, criminal Prosecution, victim Protection.

- **Directive 80/2004/EC**
The state guarantee a compensation for gender victims if there is the impossibility to find the author of crime.
Ratified in Italy by law 261/2004

- **Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011;**
Ratified in Italy by law 77/2013.

The purposes of the Convention are to protect women against all forms of violence and prevent, prosecute and eliminate violence against women and domestic violence, and to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering the autonomy and self determination of the women.

The signatory States commit themselves to take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention.

The Convention includes provisions on migration and asylum (Chapter VII), requiring States to grant autonomous residence permits to those victims whose residence permits depend on those of their partners in the event of the dissolution of the marriage or the relationship, or in the presence of particularly difficult circumstances. Besides, regarding asylum applications, a gender-sensitive interpretation is required in respect of the Convention on the Status of Refugees of 1951.

- **European Parliament Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime (Article 16) ;**

It provides the right to obtain a decision on compensation by the offender, within a reasonable time, in the course of criminal proceedings (or other legal procedures). It also encourages mechanisms to recover compensation awards from the offender.

- **European Parliament's resolution on the situation of women refugees and asylum seekers in Europe, March 8th 2016.**



4.6 Italian legal measures on gender based violence

- **Law 75/1958 Against Prostitution (Melin Law);**

Established a new offence called exploitation of prostitution with the aim to punish any person who in any way promotes or exploits the prostitution of others.

- **Law 151/1975 Introduction of the new Family Law;**

Men and women have the same rights and duties.

- **Law 442/1981 Abolishment of the 'honour motive' and of 'shotgun' marriages in criminal proceedings;**

- **Law 66/1996 Norms against sexual violence;**

- **Law 154/ 2001, Measures against intra-family violence;**

It provided new civil and criminal measures aimed to counter domestic violence effectively. It was also innovative for the Italian law system as it allowed the court to adopt measures aimed at removing abusers from their family home.

- **Law 228/2003, Measures against trafficking in persons.**

With a view to improving the effectiveness of preventive actions targeting offences such as enslavement, continuing enslavement or servitude, as well as all offences concerning trafficking in human beings, the Minister of Foreign Affairs defines cooperation policies with the countries that are confronted with said crimes, taking into account their cooperation contribution as well as their awareness vis-à-vis human rights protection issues.

It envisages two different types of protection for the victims: first-aid protection, which includes access to a shelter, with psychological and health support and the social reintegration of the victim by means of support in finding a job (while preference is given to reintegrating the victim in the country of origin). The introduction of this law completed the legislative framework for the intervention against trafficking that began with the Immigration law ([see above](#)). As a whole, the Italian system for the protection of victims of human trafficking is coherent with the internationally adopted guiding principles, first and foremost regarding the respect of the victim's autonomy and their right to social integration

Penalties for these kind of offences are also more harshly punished (perpetrators are retained for up to 20/30 years) and set up specific assistance programme for the victims.

- **Law 198/2006 Awareness-raising and suppression measures on crimes against the family on grounds of sexual orientation, gender identity, and any other cause of discrimination;**

Proposed by the Equal Opportunities Minister and the Justice Minister. It introduced important tools to eliminate any distinction, exclusion or discrimination based on gender that may limit the exercise of human rights and fundamental freedoms in any field or affect access to the guaranteed rights.

- **Law 7/2006 "Consolo Act" on FGM;**

Article 6 of the law integrates the Italian Penal Code with Articles 583-Bis and 583-Ter, punishing any practice of female genital mutilation "not justifiable under therapeutical or medical needs" with imprisonment ranging from 4 to 12 years. An Italian citizen or a foreign citizen legally resident in Italy can be punished under this law even if the offense is committed abroad. Within the measure it introduced information campaigns, a hot line and training on medical staff.



On this regard has to be mentioned that in 2013 the Court of Cagliari stated that to have suffered genital mutilations, considering the severity of the violence implied, is a prerequisite for the granting of refugee status pursuant to Article 2, section e) of Legislative decree 251/07;

- **Law 38/2009 Against stalking;**

Introduced stalking as a type of punishable offence, as defined as any continuative harassing, threatening or persecuting behaviour which causes anxiety, fear and force the victims to change his/her living habits.

It also regulated the right for the victim to have free legal assistance.

- **Law 93/2013 Measures to Contrast Femicide;**

This text convert into law the Decree-law 93/2013 that urgent measures on safety, and to combat gender based violence.

It provided that the procedure shall be attended, where possible, by an interpreter speaking the applicant's language. Access to legal aid was also granted by the recent decree (as it was from the Law on Stalking and on FGM);

- **Law 119/2013 Conversion with amendments of the previous Decree Law 93/2013 on Urgent provisions for safety and for combating gender violence and in the field of civil protection and placement of the provinces under administration by a commissioner;**

The regulatory framework of this Law, while strengthening the previous sanctions, introduces important new provisions - also in accordance with the principles enshrined in the Istanbul Convention on preventing and combating domestic and gender-based violence - by adopting specific measures of legal protection and assistance to victims. In particular, attention is focused on prevention, punishment of offenders and legal assistance, protection and taking charge of victims.

In line with the Istanbul Convention, this law provides for the protection of foreigners who are victims of domestic violence and who may apply for obtaining an autonomous residence permit where their own depends on the permit of another family member.

- **Legislative Decree 212/2015, Implementation of the Directive 2012/29/EU, Minimum Standards on the Right Support and Protection of the Victim of Crime;**

This Decree enhances the role of the victim in criminal process, in a new perspective for our system. There are several changes to protect the victim during his hearing, both in the course of the investigation and in the trial that apply to foreigners (for example the right to proceeding documents translated or to use an interpreter during the hearing).

The Directive also requires that the Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims and encourage cooperation between Member States and coordination of national services of their actions on victims' rights.

4.6.1 Lombardy regional law on gender based violence

- **Regional Law 11/2012 Preventive interventions, contrast and support to women survived to violence".**

The Law condemns any kind of physical, psychological, economic and sexual violence and set up a permanent forum composed by not governmental organizations and institutional ser-



vices, with advisory and operational capacity. It also establishes a regional anti-violence network, gathering together those experienced services working on the fields since years (such as anti-violence centers and women shelters).

The law further establishes the adoption of a multi-year plan of criteria and interventions, specific trainings for professional working in the field and education programs aimed at promoting a gender sensitive society.

The Region is furthermore to monitor activities on gbv and to collect process and disseminate information regarding the evolution and the prevention strategies on the phenomenon.



5. Italian preventive and protective measures to violence for migrant/ethnic minority women

5.1 Italian preventive measures to violence and discrimination

The Italian National machinery² for gender equality is the **Department for Rights and Equal Opportunities** of the Italian Prime Minister's Office.

After the ratification of the the Beijing Declaration in 1995, Italy set up a specific plan to promote and defend gender equality and the Minister for Equal Opportunities adopted several interventions and measures, such as :

- A **National hotline 1522** in order to refer **Victims of Violence** to shelters and anti-violence centres.
The service is available 24/7 and can be accessed anonymously. The call centre offer counselling in several languages: Italian, English, French, Spanish, Albanese, Arabic, Russian, Romanian and Chinese, overcoming the linguistic barrier that many migrant women may encounter in seeking help.
- The implementation of a **National Campaign and a National hotline Against Female Genital Mutilation** that aimed to increase the awareness of female genital mutilation and of its terrible consequences for women's health. Its main target are migrants, who are encouraged to refuse this practice to protect their daughters, but it is also addressed to young people and teenagers coming from ethnic group or countries where this practice is diffused to actively address this practice.³
- The **Anti Trafficking toll-free number**⁴ has been set up by the Department for Equal Opportunities in 2000 as part of action in favour of victims of trafficking provided for in art 18 of Legislative Decree 286/98. The toll-free number is anonymous and available 24 hours a day, 7 days a week, every day of the year. Anybody can turn to it: potential victims of trafficking or exploitation, but also private citizens, law enforcement agencies, representatives of public or private bodies and members of professional associations in job world who are aware of cases of exploitation and abuse and wish to report or have information on these issues.
The operators are linguistic-cultural mediators. They cover all the required target languages: English, Spanish, Albanian, Romanian, Russian, Moldovan, Ukrainian, Nigerian, Chinese, Polish, Portuguese and Arabic.
This free Helpline (Numero Verde Anti-Tratta) linked with several awareness-raising campaign, together with Programmes for temporary assistance and long-term social protection and Programme for assisted voluntary return are the three main tools of the comprehensive national strategy against Trafficking of Human Beings lead by the

³ <http://www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/1297-800-300-558-contro-le-mutilazioni-genitali-femminili>

⁴ <http://www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/120-numero-verde-antitratta-800-290-290>



Department for Equal Opportunities.

In 2003 within the Department for Rights and Equal Opportunities, **the Office for the Promotion of Equal Treatment and the Repression of Discrimination on grounds of Race or Ethnic Origins UNAR** (Ufficio Nazionale Antidiscriminazioni Razziali) was also established.

- In 2004 was set up the **UNAIR Operational Contact Centre Against Discrimination**⁵ reachable on the toll-free number 800.90.10.10 and via the web. The center collects reports, complaints, evidences, procedures and actions that prejudice on the grounds of racial or ethnic origin the equal treatment between persons; offers immediate assistance to the victims of discrimination by providing information, guidance and psychological support; assists the victims in the judicial proceedings when they decide to go to court for verification and repression of the violations. The Contact center's toll-free number is open 7 days a week including holidays, from 10:00 am to 8:00 pm and the service is available in Italian, English, French, Spanish, Arabic, Russian, Romanian and Chinese. The Contact center phone operators have been trained in cultural mediation to deal with callers with multi-ethnic backgrounds. The operators are also able to provide help and information in Hindi, Urdu, German, Kurdish, Kurmanji, Farsi, Turkmen, Azeri, Dari, Turkish, Lingala, Kikongo, Singol and Punjabi. The Contact center provides immediate assistance to the alleged victims of discrimination, and represents a first tier of response, which collects and studies the problem, provides initial native language orientation and supplies legal and social sciences experts with the information necessary for the initial stage of research for the resolution of the case.

Other relevant national measures to be mentioned are:

- In 2007 a **Permanent Forum Against grave persecution and violence against women** has been established with the aim to improve dialogue between institution and civil society on gbv and protection of victims. The forum is composed of several institutions, anti-violence centres and representatives of women organizations.
- In 2008 a **National Network of anti-violence centers** and homes for women was founded under the name DiRe: Women Against Violence Network. **DiRe, belongs to** the European organization, **WAVE** (European network of anti-violence centers).
- In 2010 the Observatory for security against acts of discrimination (**OSCAD**) was established within the Central Directorate of Criminal Police of the Department of Public Security. This body carries out a regular analysis of the data on discrimination in order to detect the qualitative and quantitative dimensions of the phenomenon. In particular OSCAD monitor the phenomenon of discrimination based on race or ethnic origin, religion, sexual orientation, physical or mental disability; starts up targeted interventions at local level to be carried out by the National Police or the Carabinieri Corps; puts forward appropriate measures to prevent and fight discrimination; envisages training modules to qualify police operators for anti-discrimination activity; maintains contact with the Office for the promotion of equal

⁵ <http://www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/119-numero-verde-antidiscriminazioni-razziali-800-90-10-10>



treatment and the elimination of discrimination based on racial or ethnic origin (UNAR), as well as with public and private associations representing devoted to combating discrimination⁶.

- In 2012 **UNAR** laid the foundations for the implementation of the **First National Strategy for the Inclusion of Roma, Sinti and Caminanti in Italy, 2012-2020**. Started a first round of consultations both at political level (coordinated by the then Minister of International Cooperation and Integration, and together with the competent Administrations at national level) and at technical level together with the Non Governmental Associations and the Federations of Roma and Sinti Associations that exist throughout the national territory. Measures aimed at information and awareness raising have been carried out. Project activities to be mentioned are: "Enhancing the Skills of Practitioners concerning the Roma Issue" and the Council of Europe "Dosta!" campaign.
- In 2014, in order to prepare the national Report a **CEDAW working board** of professionals working on GBV within the national NGOs, was established at the Interministerial Comitee for Human Rights (Ministry of Foreigner Affairs and International Cooperation).
- In 2015 the Italian Ministry of Health established a task forced (made by Regions, the Ministry of Internal Affairs, INMP, Civil society organisations and UNHCR) in order to develop **"The National Guidelines for asylum seekers and refugees, survived to torture and violence"**. This guidelines should include training to health staff and specific programmes for women and children in accordance with the D. Lgs. N.18/2014.
- Italy jointed the Second Edition of the **Women Peace and Security⁷ National Action Plan** (2014-2016) aimed to support, implement and reduce the negative impact of conflict and post-conflict situations on women and children, promoting at the same time the participation of women as "agent of change".

The National Plan ensures that a gender perspective is incorporated in all political areas supporting the concept of peace and adopetd in all measures used for the promotion and protection of peace. Some of its programmes are specifically oriented on Sub-Saharan Africa and Eastern Europe.

5.2 Italian protective measures to violence and discrimination

In Italy, a comprehensive approach toward gender based violence and discrimination has been lacking, and the Italian system of welfare services rely on a private/public partnership, where the private is in many cases the civil society organisations or third sector and the

⁷ UNSC Resolution 1325



distribution of different tasks among different levels of governance: regions, provinces and local municipalities.

This has given rise to a system of services that is highly differentiated across the country with a high variability of practices in all fields of social intervention including services provided to migrants and to women survived to violence.

The anti-violence centres are usually financed and supported by local government (Regions or Municipalities), and offer a large range of activities such as free legal and psychological advices and sometimes operate also as shelters. They represent the most valuable contributions that Italy has given to confront violence against women (for a sistematic review on gbv regional services in Italy see : Lanzoni, Misti & Tola 2013.) Nevertheless the Council of Europe Taskforce Recommendations, points out that approximately 5,500 shelter places are still missing in Italy and that the numbers of minority ethnic women working in them is also inadequate (WAVE, 2009).

For what concerns Italian campaign against discrimination the main actors are national trade unions (CGIL, CISL and UIL) and big associations (ARCI) that work indipendently from the Government. They generally deal with questions of national relevance but, due to the increasing number of migrants, they are developing linguisting tools that will make them able to face this new settings. They offer services and legal advices. The most important trade unions generally have an immigration bureau or an association linked to the relative trade union (Anolf www.anolf.it, linked to CISL, for example, offers assistance to fill up permits of stay). NGOs provide also for other services, as ARCI's (www.arci.it) free number for asylum seekers and anyone seeking protection.

Although essential health care is provided in Italy free of charge and regardless of the migration status, migrant/ethnic minority women (particularly when irregular) find many barriers in accessing services and often do nort report violence because of fear of detection and deportation.⁸

The Italian health-system haven't adopted so far protocols and coordinated actions to identify and refer victims of domestic violence who present in health care settings (WAVE, 2012).

5.2.1 Milan protective measures to violence

The main emergency services for gbv in Milan are the Sexual Violence First Aid Service (SVS) and the Domestic Violence Service (SVD) based at the Major Milan Hospital Policlinico. These services operate in collaboration with the ER and offer medical assistance, legal, social and psychological counselling.

The local medical units (consultori) spread in the municipality offer medium and long term assistance after the emergency, which is free of charge and usually include gynaecological, psychological, social services and sometimes have a cultural/linguistic operators available. Usually women are referred to anti violence centers to receive further assistance and there can find protection and shelter, getting away from the violence's perpetrators.

⁸ On this regard very important is the Law decree 119 of 2013, in fact thanks to the adoption of the Istanbul Convention the Italian State grant an autonomous residence permits to women victims of violence.



Permanency in these shelters is usually limited and women are prompt to get independent as soon as possible.

Since 2006 in Milan exist a network of local services working on violence and maltreatment. The services taking part to this Municipal network are:

- Anti violence centers of the national network DiRe (CAIM and Cerchi d'Acqua Onlus)
- Hospital Services (SVS, SVD and CASD at San Paolo Hospital)
- Services specialized in offering shelter and hospitality (CeAS, Fondazione Somaschi, Farsi Prossimo, Coop Grande Casa)
- Services working on violence and maltreatment (SeD Caritas and Telefono Donna)

This network is supported by the City Council fundings and have several objectives:

- To support and give protection to women survived to violence through individual projects, promoting their empowerment as well as their physical and psycho-social wellbeing;
- To help women developing skills to get independent and free from the violence and investing in their personal value;
- To offer assistance, education, protection, psychological support, legal counselling and promote effective political and social interventions;
- To offer training to social, law and medical professionals and to promote information campaigns to engage community members on the issue.

This operating network unfortunately have little effective cultural/linguistic resources and competences and is now questioning how to make services accessible also for migrant women who are often out of reach and/or don't report violence.

6. Conclusions

This report offered an overview of the Italian national context regarding the demography of migrant/ethnic minority women survived to violence as well as the measures in place at international, national and local level to protect and support them.

Drawing from the literature and the data available on the topic, clearly emerged that while migrant women migrate for a different range of reasons, the violence they experience is the consequence of structural gender inequalities (in the country of origin and in the host country) that international and national policies need to address.

A lack of data on population of migrant and in particular ethnic minority women survived to violence, as well as representing an issue for this report, reflects the little importance given to this category of women at national level.

If on one hand reliable data on populations of migrant/ethnic minority women are not collected and national and local census analysis rarely report data disaggregated for cultural/ethnic belonging (referring generally to "foreigner women"), violence within this target group remain an hidden and under reported phenomenon.

The inconsistent attention to gender based violence within migrant/ethnic minority women emerge also from the lack of legal and protective measures targeting them. In fact although Italian legal measures focus on violence against women in form of trafficking and FGM, they



do not have specific focus on the specific vulnerability of migrant and ethnic minority women.

A tendency to disassociate the two policy areas of violence against women and migration means that national measures often consider migrant/ethnic minority women to be included within programmes which aim to protect migrants' rights in general and that policies in place to tackle violence against women frequently do not consider the specific situation of migrant/ethnic minority women.

Furthermore while the Italian government has put into place several measures to tackle gender based violence and both at national and local effective networks exist, they do not focus specifically on the particular needs of migrant women and these women may find a lack of adequate protection and have difficult in accessing services.



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Annex 1

Forced/ Early Marriage (FM)	
Definition	<p>FM: a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure (UK Forced Marriage Unit).</p> <p>EM: early and child marriages, celebrated before the age of consent to marriage (18 years, according to the latest UN directives)</p>
Victims in the EU countries	<ul style="list-style-type: none"> ✓ are more often families of immigrant origin and young people of the second/third generation; ✓ come from countries (or regions) where the custom of arranged marriage and early marriage is widespread; ✓ belong to cultures in which the decisions of parents and relatives tend to prevail over individual choice; ✓ often suffer further domestic violence as a consequence of unwanted marriage.
Driving Forces in EU countries	<ul style="list-style-type: none"> ✓ prevent children from becoming 'Europeanised' ✓ reaffirm cultural identity, ✓ perpetuate the migratory process, ✓ repay a debt to one's own community, ✓ deteriorating relations between the sexes, ✓ religious fundamentalism, ✓ difficulties with regard to marriage and sexuality, ✓ concern to prevent one's children from entering into a mixed marriage. (COE, 2005).
Population at risk in Italy	<p>In Italy there are no statistics on Forced Marriage.</p> <p>Data provided by Unicef (2014) about the percentage of children married before 15 and 18 years in different countries were combined with the data provided by Istat and Ministry of Interior on non-EU residents in Italy and the communities most at risk resulted to be:</p> <ul style="list-style-type: none"> ✓ South-East Asian countries (Bangladesh, Pakistan, India, Sri Lanka), which are nonetheless characterized by a limited percentage of women; ✓ African countries (Senegal, Ghana, Nigeria, Egypt) which - apart from Nigeria – are similarly characterized by a low female presence; ✓ Morocco and Albania are reported in the list of countries at risk and represent two of the largest migrant communities, where both the female component and the “second generations” have an important numerical weight; ✓ Roma girls and women in Italy, 64% of which have married before 18



	years, and 30% before 16 (ERRC, 2011).
Italian Legal Measures	<p>Italian legislation contains no express references to "forced marriage" however:</p> <ul style="list-style-type: none">✓ Italy has ratified the Istanbul Convention on June 27, 2013 (Law n.77);✓ the sentences which have taken into consideration the conducts of relatives who the victims to a psychological and physical violence to oblige them to "live according to the tradition" and so to accept the non agreed marriage have used the crime of "family maltreatments" (article 572 of the Penal Code);✓ FM is mentioned in the ministerial decree regarding a "Charter of Values of Citizenship and Integration" (2007) (paragraph 18). And in the regional laws of Molise (Law n.15/2013, Art. 1) and Lombardy (Law n.11/2012, Art. 1).
Related Law Measures	<ul style="list-style-type: none">✓ Art. 29 of the Consolidated Act on Immigration determines that a third-country national may ask for family reunification with a) the spouse not legally separated and no younger than 18 years of age, (b) the minor children, including those of the spouse or born outside of marriage, (c) the dependent children aged over 18, if for objective reasons they are unable to support themselves, (d) the dependent parents, or parents aged over 65.✓ the request for reunification is refused when it is established that <u>the marriage has taken place for the sole purpose of enabling the person to enter and reside in the territory of the State.</u>
References and suggested bibliography	<ul style="list-style-type: none">✓ Daniela Danna (2013) The boundaries of public action: arranged and forced Marriages. Athenea Digital - 13(2): 65-81.✓ Daniela Danna (2011) Per forza, non per amore. Research report on Forced Marriages in Emilia Romagna (for the association Trama di Terre).✓ Serghetti G., Ruggerini M.G., Lotti M.R., Misiti, M., Virgilio M., (2014) Forced Marriage in Italy: a qualitative research Le Onde Onlus. (for the Department of Equal Opportunity Italian Ministry).✓ Unicef (2014) Ending Child Marriage. Progress and prospects. New York.



Annex 2

Female Genital Mutilation (FGM)	
Definition	<p>Female Genital Mutilation (FGM) or female genital cutting, is a form of gender-based violence. It comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.</p>
Victims of FGM worldwide	<p>According to WHO women victims of FGM are between 120-140 million.</p> <p>The 90% of women living in countries such as Egypt, Guinea, Sudan, Mali and Somalia aged between 15 and 45 years old, are victims of FGM, followed by those living in Eritrea (80%), Ethiopia (90%), Burkina Faso (70%) and Mauritania (80%)</p> <p>Although percentages are different according to the country of origin some personal characteristics also represent risk factor:</p> <ul style="list-style-type: none">✓ low education level,✓ poverty✓ Islamic religion✓ young age (FGM is rarely practiced after 15)✓ being daughter of a mutilated mother✓ early marriage
Reasons underneath	<p>It is carried out for both cultural and social reasons:</p> <ul style="list-style-type: none">✓ sexual: to reduce the sexual desire and help women maintaining their virginity before the marriage as well as increasing their partner pleasure (making them more desirable as wives);✓ social: promote a sense of cultural belonging, initiate women to adulthood, guarantee social roles and maintain social group cohesion;✓ hygienic/aesthetic : sexual organs are considered ugly and dirty, thus they have to be removed to insuring beauty and cleanliness (clitoris is also seen as a male characteristic thus to be removed)✓ mythic: to increase fertility and the newborn good health ;✓ religious: Muslim women recognised the practice as prescribed in the Sunna (the religious laws of Mohammed)✓ migration: to reaffirm the cultural identity (particularly within migrants) and



	honour the tradition.
Population at risk in Italy	<p>According to the study conducted on 2009 from the Dep. of Equal Opportunities:</p> <ul style="list-style-type: none"> ✓ the women most at risk of female genital mutilation are African; ✓ out of 111.000 african women, around the 30% is already victim of FGM at her arrival in Italy (35,000) or they get mutilated when they get back to their home country for a short period; ✓ girls between 0 and 17 years old are estimated to be 30% less at risk to FGM compared with their mothers; ✓ during 2009, around 5,000 girls aged between 0 -17 come to Italy from countries where this tradition was widespread, the 22% of them (1,000) was considered to be a potential risk of FGM. <p>According to the data gathered in the Lombardy Region (2010)</p> <p>the women most at risk are migrant women and or young girls of the second/third generation migrant originally from:</p> <ul style="list-style-type: none"> ✓ Somalia 80% * ✓ Nigeria 74% ✓ Egypt 71% ✓ Eritrea 68% ✓ Burkina Faso 64% ✓ Ethiopia 56% ✓ Costa d'Avorio 22% ✓ Senegal 7% (especially the one of Wolof ethnical belonging) ✓ Ghana 3% <p>*to notice that Somali represents only the 2% of African women victims of FGM living in Lombardy, while Egyptian and Nigerian represent most of the women with FGM living in the region, in fact they are 58% (12.160) and 16% (3.370) respectively of the total number of the African women victims of FGM.</p>
Italian Legal Measures	<ul style="list-style-type: none"> ✓ Since 2006, there is a specific criminal law provision concerning FGM (Law No. 7/2006). Articles 583 bis and 583 ter. of the Penal Code prohibit the performance of all forms of FGM, including clitoridectomy, excision, infibulation and any other practice causing effects of the same kind, or causing mental or physical illness. ✓ the principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.
References and suggested bibliography	<ul style="list-style-type: none"> ✓ Department of Equal Opportunities (2009) Qualitative and Quantitative Evaluation of FGM phenomenon in Italy". Research N.11 January. <i>(The study estimated the number of women with FGM by extrapolation of prevalence data from FGM-practising countries in Africa to the migrant women population legally residing in Italy and originating from the same countries).</i> ✓ IRER- Regional research institute of Lombardy - (2010) Inquiry on the



	<p>population at risk of sexual and reproductive health and of FGM. Lombardy Region.</p> <p>✓ EIGE – European Institute for Gender Equality - (2012) Current situation of female genital mutilation in Italy. Available at: eige.europa.eu</p>
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Annex 3

Trafficking of Human Beings (THB)	
Definition	<p>Trafficking in persons mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.</p> <p>✓ The consent of a victim of trafficking in persons to the intended exploitation is irrelevant once deception, coercion, force or other prohibited means have been used.</p> <p>(The Palermo Protocol to prevent, suppress and punish trafficking in persons - UN Convention against transnational organized crime)</p>
Victims of THB in EU	<p>Out of 9.568 of people trafficked in Europe (Eurostat, 2013)</p> <ul style="list-style-type: none"> ✓ the 68% of them (6.479) are women ✓ the 16% (1.524) men; ✓ the 14% (1.334) girls under 18 years old ✓ the 2% (191) boys under 18 year old
Reasons underneath	<ul style="list-style-type: none"> ✓ People are trafficked for Exploitation reasons: the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. ✓ forced prostitution: is the main form of exploitation of trafficked persons in Italy and the 66% of THB in Europe; ✓ forced labour and debt bondage is the second cause of trafficking in Italy: people, mostly men are forced in the agricultural sector in southern Italy and the service sectors (domestic workers) in northern Italy (forced labour victims are the 23% of THB in Europe).
Population at	From 2000 to 2013 around 25,000 victims of THB were assisted within the



<p>risk in Italy</p>	<p>framework of art. 18 (see below).</p> <p>Women trafficked for sexual exploitation come from:</p> <ul style="list-style-type: none"> ✓ Africa around 60% of the total: especially from Nigeria (the 40%) and also from Egypt, Morocco and Tunisia), ✓ Eastern Europe countries*: Bulgaria, Hungary, Romania** and Ukraine (account the 30% of the street prostitution); ✓ Latin America: especially from Brazil, Peru (mainly Transsexuals) ✓ Asia 10% of the total: Pakistan, Bangladesh, India and especially China (less visible and emerging the trafficking of Chinese women for forced indoor prostitution); ✓ Girls aged 16-18 from Nigeria and Romania as well as child prostitutes living in Roma camps, are victims of sexual exploitation; <p>* Trafficking of Albanian women for sexual exploitation decreased during the last years (thanks to political agreement with Albania and better socio-economical condition of the country).</p> <p>** Although Romanian women can come regularly to Italy, are increasingly victims of trafficking for sexual exploitation (it's believed that THB is correlated with illegality) and because regular they fall out from the social protection measures.</p>
<p>Italian Legal Measures</p>	<p>Since 1998 Italy has been the forefront of the fight against trafficking in human beings and the protection of victims, making the Italian model to be a best practice in the field.</p> <p>The main legal provision regulating the national response to trafficking in persons are:</p> <ul style="list-style-type: none"> ✓ Art. 18 of the National law on Migration Envisages that victims of trafficking and exploitation can benefit from assisted return to their home country or a special permit for social protection. ✓ Art. 13 of the National Law against Trafficking in Human beings (Law n. 228 of 2003). <p>A complex structure for the assistance to trafficked persons has been in place since 2000. It works through three main tools:</p> <ul style="list-style-type: none"> ✓ Programme for temporary assistance and long-term protection ✓ Free Help line ✓ Programme for assisted voluntary return <p>Efforts to combat THB focus on the cooperation among law enforcement agencies: in 2009 agreements were signed in collaboration with Albania, Romania and Nigeria.</p>



References and suggested bibliography	<ul style="list-style-type: none">✓ ORIM – Regional Monitoring point for Integration and Multietnicity - Caneva & Ambrosini (2014) Traffico e sfruttamento di migranti: recenti. In rapporto 2013 gli immigrati in Lombardia.✓ UN General Assembly (2014) Report of Special Rapporteur on trafficking in persons, especially women and children Joy Ngozi Ezello Mission to Italy. Human Rights Council.✓ Caritas Italy (2013) Trafficking in Human Being in the XXIII Report on Immigration.✓ Save the Children Onlus & B. Trentin Association (2013) “Game Over: Indagine sul lavoro minorile in Italia”.✓ Farina & Ignazi (2012) Catene invisibili. Stamenti e dati per comprendere la prostituzione straniera e promuovere percorsi emnicipativi. Regione Lombardia, Europolis Lombardia, Fondazione ISMU, Osservatorio Regionale per l’Integrazione e la Multietnicità.✓ Romanian National Agency against Trafficking in persons (2010) “Trafficking in persons does not forgive”.✓ Italian Anti-trafficking policy: Dep. of Equal Opportunities (2009) “Trafficking delete people you can delete trafficking”.
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