

**COMMENTS ON THE REPORT OF THE COMMISSIONER FOR HUMAN RIGHTS OF
THE COUNCIL OF EUROPE, DUNJA MIJATOVIC, FOLLOWING HER VISIT TO ITALY
FROM 19 TO 23 JUNE 2023**

The Italian authorities submit the following comments to the Report of the Commissioner for Human Rights of the Council of Europe, H.E. Dunja Mijatovic.

Section “Asylum and migration - The criminalisation of solidarity on land and at sea”

26. The term ‘criminalisation’ referred to the Italian Government’s approach to solidarity (point 26) and the subsequent description of the said approach reflect a journalistic language and highly subjective views that should be strongly mitigated, especially in view of the context where they are presented.

Section “Asylum and Migration – Cooperation with other countries”

37 and following. While taking due note of the Commissioner’s remarks on the co-operation with countries of origin and transit, we would like to stress that such co-operation heavily relies on the work of UN Agencies and related Organizations (notably IOM and UNHCR) as main implementing partners of the migration cooperation activities financed by Italy. In this regard, we highlight that our implementing partners carry out their interventions in third countries of origin and transit on a rights-based approach, applying the United Nations Human Rights Due Diligence Policy (HRDDP).

In particular, with respect to co-operation with Libya, it is worth noting that the projects implemented by our external partners encompass activities to improve the local authorities’ abilities and skills to perform rights-based, protection-oriented, accountable border management and SAR activities. Such activities may include for instance training on human rights and the protection of migrants; briefing on HRDDP principles and aims of the mitigation measures; background check of the Libyan staff receiving support with a view to exclude those who have a record of human rights violations or human trafficking.

With regard to co-operation with Tunisia, it is likewise to be noted that the Italian funded projects provide specific trainings on human rights in order to develop or enhance the capacity of the competent Tunisian authorities to perform their duties in compliance with the international standard on respect and safeguard of human rights.

In addition, we would like to stress that the co-operation with the competent authorities in countries of origin and transit is pivotal to disrupt the local networks of migrant smugglers and traffickers, who would otherwise operate undisturbed, exploiting thousands of migrants in state of vulnerability and putting their lives at risk. Letting these networks freely act without cooperating with local authorities is tantamount to ignoring massive violations of human rights and relinquishing our responsibility to help those countries manage the migratory flow in a safer and more orderly way, first of all, to the benefit of the migrants themselves.

Any gap (technical, material, behavioral) should be seen as a proof that there is a need for greater coordination and cooperation rather than a reason to curb such co-operation. The envisaged alternative of replacing authorities of a sovereign country does not seem to be a respectful and viable policy.

Section “Asylum and migration – The protection of vulnerable people”

82. In terms of early identification of all vulnerabilities, including that referred to victims of trafficking, it must be underlined that in Italy a set of anti-trafficking projects operate on a regional basis, financed within the framework of a national programme. In this context, it is possible to make early identifications: places of disembarkation, inbound borders, hotspots, CPR and CAS. In this view an update of the National Referral Mechanism for human trafficking victims was produced in the second half of 2023, following a consultation with the major stakeholders involved, including civil society representatives.

Section “Women's rights and gender equality”

108 and 136. The report references alleged reductions in funding for support services for women victims of violence and for policies to prevent violence against women: in particular, in point 136 reference is made to the data reported by the ActionAid association with the "Black Friday" campaign of November 2023, which would highlight an alleged 70% decrease, from 17 million for 2022 to 5 million for 2023, in resources for prevention. The data presented in the Action Aid Report are incomplete and partly incorrect.

The presumed decrease is calculated by comparing the data for the complete year of 2022 with that of 2023 which has not yet ended. Therefore, its final figures do not include initiatives widely announced and therefore perfectly known. In fact, for example, to the 5 million indicated for 2023, there may be added 1 million allocated for the recovery of men who are perpetrators of violence, 9 million for primary prevention through female women's empowerment initiatives for victims of violence, 15 million allocated by the Ministry of Education and Merit for the awareness campaign in schools. Funds dedicated to prevention have almost been doubled, from 17 million to 30 million, that is namely an increase by 80%. Furthermore, it must be considered that the total allocation for regional measures to fight - violence against women, including those for centres and shelters, has been increased by the current Government from 40 to 55 million euro, with the result of reaching the highest allocation ever for the fight against violence. In addition, it must be considered that in the 2024 budget bill the allocation for the so called “freedom income” for economic support to victims of violence has been refinanced with an amount of 6 million per year and it has also been made structural, thus removing it from the precariousness of annual refinancing.

109. In the report, interest is expressed in the steps taken on gender equality, in particular for the adoption for the first time in Italy of the Gender Equality Strategy 2021-2026 and how forms of multiple and intersectional discrimination are incorporated into Italian legislation and in the contexts of the most important policies undertaken by Italy.

The 2022 Budget Law (Law 30 December 2021, n. 234) made the Government's adoption of a strategic plan on gender equality structural and defined a governance system composed of an Observatory and an interinstitutional Steering Committee for gender equality. These bodies, chaired by the political authority with responsibility for equal opportunities, were established in 2022 and made operational. The same Budget Law has also allocated, starting from 2022, specific resources equal to 5 million euros for each year aimed at implementing the National Strategic Plan for gender equality.

110. The lack of an operational plan aimed at implementing the Strategy for gender equality is lamented. The report cites analysis presented internationally, such as those of GREVIO and CEDAW Committee, which date back to 2019 and 2017 respectively. These, however, refer to a context that has undergone several significant changes, and which is largely outdated in several aspects. In relation

to the National Strategy for Gender Equality, it should be noted that there is no detailed action plan envisaged and that its indications transversally affect political initiatives and measures.

111. The Italian Republic expresses its protest against the statement contained in the report according to which “gender inequality is deeply rooted in Italian society and remains pervasive in daily life”. The statement stands in sharp contrast with macroscopic data. It is enough to observe, by way of example, that women hold among the highest positions in the State hierarchy: President of the Council of Ministers, President of the Constitutional Court (until a few days ago), President of the Supreme Court, President of numerous public authorities, entrepreneurs and among the most important professionals. There is a majority of women among our magistrates (over half), among doctors and among the country's elite. The starting assumption of the report and the consequences drawn from it are therefore firmly opposed.

111. In the report, some criticisms on the implementation of the Gender Budgeting are reported. Article 51-bis of the Legislative Decree n. 13 of 2023, converted into law 21 April 2023, n. 41, provided that, starting from the year 2023 for the budget bill for the three-year period 2024-2026, the Minister of Economy and Finance transmits to the Parliamentary Chambers, within 30 days of the presentation of the budget bill, two specific informative annexes which indicate the budget expenditure aimed at promoting gender equality. Until today, no instrument existed in the Italian accounting system aimed at providing Parliament with preliminary informative elements on gender budgeting. Furthermore, the Department for Equal Opportunities has completed an important project financed with EU structural funds, aimed at promoting gender mainstreaming and gender-sensitive evaluation across all administrations. Among the features of the project, there is also a Toolkit for drafting the gender budget, created with the precious support of the State General Accounting Office.

112. In the report, the lack of involvement of associations is lamented. It is necessary to point out that the relevant associations were fully involved through hearings, organized according to 4 thematic tables, aimed at acquiring useful observations and suggestions for the preparation and development of the 2021-2026 Equality Strategy. Furthermore, 5 representatives of the sector associations are permanently part of the Gender Equality Observatory established by the 2022 budget law.

114. The report shows the data relating to Italy's positioning based on the Eige Index on gender equality in the EU 2022 in 14th position. On 24 October 2023, the EIGE Index on gender equality in the EU 2023 was published, according to which Italy is placed in 13th position. Italy gains a position, with an increase of 3.2 points, and continues the positive trend which sees Italy as the country that has recorded the greatest increase since 2010, equal to 14.9 points, gaining 8 positions.

115. Difficulties in work-life balance following maternity. As part of the Italian National Recovery and Resilience Programme, over 91.4 percent of the resources available to finance the nursery school network have been assigned. Furthermore, the Government will adopt a first kindergarten plan worth around 530 million with resources already financed in the legislative decree of 15 September 2023, n. 123 converted into law 13 November 2023, n. 159. Furthermore, the promotion of work-life balance constitutes one of the key areas within the certification of gender equality, the measure introduced into Italian law in 2022 and now fully operational, which provides incentives and rewards for companies that achieve this important recognition.

117-119. A high gender pay gap is highlighted. The salary gap for women, especially in the private sector, is estimated to be largely linked to the lack of career progression due to maternity-related absences. At this regard, Italy has acted by promoting a self-discipline code for companies, with voluntary adherence and free of bureaucratic burdens. The code focuses on three areas: 1) career

continuity of mothers; 2) prevention and treatment of health needs initiatives; 3) adaptation of working times and organization. The initiative is aimed at promoting welcoming working environments for parenthood, and, in particular for motherhood, encouraging the conciliation between extra-domestic work and care work and removing the obstacles that make motherhood being perceived as something penalizing in professional terms. Already on the first day of launch, on 7 November 2023, more than 100 companies, both large and small, signed up to the code.

Furthermore, it has to be noted that the objectives of the gender equality certification, a project financed under the Italian National Recovery and Resilience Programme, have been largely exceeded in the timeline. In fact, one of the two targets set for 2026 has already been achieved.

Sexual and reproductive health and rights of women

121-124. Law 194/1978 provides that a report on the implementation of the law itself must be sent to Parliament every year. The following data is reported in the latest report transmitted, relating to the application of the law in 2021. (https://www.salute.gov.it/imgs/C_17_pubblicazioni_3367_allegato.pdf).

As it is evident from the entire report, there is no evidence of barriers to accessing the Voluntary Termination of Pregnancy (IVG – Interruzione Volontaria della Gravidanza) service. On the contrary: the waiting times between issuing the certification necessary for the IVG process and the IVG intervention are constantly decreasing (see page 50 of the report), and the mobility of women to obtain IVG is minimal: the 93.7% of IVGs were carried out in the region of residence, and of these 87.0% in the province of residence.

It should be noted that law 194/78 does not allow IVG to be carried out in public health counselling centers (Consultori), but in the structures of the National Health Service listed in article 8, which includes hospitals and "adequately equipped public polyclinics, functionally connected to hospitals and authorized by the region".

Law 194/78, in art. 2, expressly provides that "the counselling services, on the basis of specific regulations or agreements, can avail themselves, for the purposes established by law, of the voluntary collaboration of suitable basic social formations and associations of volunteering, which can also help difficult motherhood after birth."

As far as the conscientious objection is concerned, in the report to Parliament it is stated that "any problems in the provision of the IVG service could be linked to the organization of the service itself rather than to the number of objecting staff".

In particular, to deepen the evaluation of the impact of conscientious objection on the availability of the service and on the workload of non-objecting operators, it was deemed appropriate to continue the ad hoc monitoring started in 2013 through the calculation of specific parameters which are calculated at national and regional level, regarding the workload for each non-objector, at the individual facility level. The complete analysis of these parameters can be found on pages. 60-69 of the report to Parliament, and in Appendix A, pages 72-79.

In particular, parameter 2 – IVG centres (hospital facilities, authorized private nursing homes, hospital and community clinics and family counselling centres) available for every 100,000 women of childbearing age (15-49 years). This number is compared with that of the birth centres: it is a term of comparison to better understand the level of implementation of law 194/78, contextualising the data on the structures that carry out IVG with respect to the female population of childbearing age and with respect to the birth points. In 2021, for every thousand births there is one birth centre, while for

every thousand IVG there are 5.3 IVG centres. Proportionately, there are more IVG centres than birth centres. Parameter 3 – Average weekly number of IVGs performed by each non-objecting gynaecologist: the ad hoc survey carried out by the Ministry of health highlights that in 2021 the average weekly workload of each non-objecting gynaecologist continues to decrease compared to previous years. In fact, considering 44 working weeks per year, the number of IVGs for each non-objecting gynaecologist is equal to 0.9 IVGs per week at national level. The national figure has been constantly decreasing over the years (the average weekly IVG for each non-objecting gynaecologist was 3.13 in 1983; 2.49 in 1992 and 1.68 in 2011). Gynaecologists who are not objectors but not assigned to the IVG service, i.e. staff who do not carry out IVG despite not availing themselves of the right to conscientious objection, were 15% in 2018, the last year in which this data was recorded. The recorded trend was increasing compared to previous years: they were 9.8% in 2017, 6.6% in 2016. The collection of this data will be resumed for annual monitoring.

To demonstrate the effectiveness of the IVG service, it should be remembered that no legal disputes have been reported due to lack of access to the IVG service, unlike what generally happens for other types of services of the National Health Service. In relation to the rulings of the European Committee of Social Rights, please refer to https://www.salute.gov.it/imgs/C_17_pubblicazioni_2552_allegato.pdf pages. 56-57, which illustrates the path and outcome of the collective complaints cited, following which “on 6 July 2016 the Committee of Ministers of the Council of Europe gave a final ruling on the complaint; it has received the information provided by our country and, literally, it "welcomes the positive developments", adopting the resolution CM/ResChS (2016). Therefore, the Council of Europe, in light of the investigations carried out, has never condemned Italy regarding the failure to apply Law 194/78, in particular regarding access to IVG services in relation to the exercise of the right to conscientious objection by health workers”.

121. The Ministry of Health coordinates the 'Permanent Working Table for the full application of law no. 194 of 1978', in collaboration with the Istituto Superiore di Sanita' and ISTAT, in order to address any critical issues represented by the regions in the application of law no. 194/78. Furthermore, with a view to implementing abortion services in a homogeneous way throughout the national territory, the Ministry of Health has entrusted the Istituto Superiore di Sanita' with the realisation of the Project 'Interventions for the improvement of data quality, supply and appropriateness of the execution procedures and dissemination of information on the voluntary interruption of pregnancy'.

125. In Italy, conscientious objection by pharmacists is not regulated by any law. There are currently no reports of refusals to dispense contraceptive products by pharmacists. As far as emergency contraception in particular is concerned, as it may be verified from the report to Parliament on page 26, these products can also be purchased in pharmacies by minors, without age limits, and without a medical prescription. Sales are continuously increasing: 331,982 packs of EllaOne and 284,376 packs of Norlevo in 2021

131. School autonomy exists in Italy, and at the moment many sexual education and affective education projects are implemented independently. The Minister of Education and Merit announced a project on affectivity in collaboration with the order of psychologists.

2.3 Violence against women

132. Permanence of gender stereotypes. The latest data published by Istat as part of the survey on stereotypes on gender roles and the social image of violence, (available through the link https://www.istat.it/it/files//2023/11/STAT_TODAY_Stereotipi.pdf), show a markedly improving

trend compared to 2019, the year cited in the Report. From the provisional data referring to the months of May - July 2023, a lower tolerance of physical violence in the couple emerges, in particular in relation to control. With reference to the period between 2018 and 2023, there is also a reduction in stereotypes on gender roles.

133. At this regard, other measures are worth mentioning for the benefit of women victims of violence. The law of 24 November 2023, n. 168 "Provisions to combat violence against women and domestic violence" has strengthened and implemented measures to protect minors orphaned by domestic violence. In particular, the art. 1 paragraph 1 intervenes in the field of prevention measures by modifying the art. 3 of Legislative Decree 93/2013, defining witnessed violence also as violence committed in the presence of minors. Committing acts of violence in the presence of minors, therefore, becomes a further, autonomous element suitable for integrating the requirement of domestic violence. In the decree-law n. 48/2023, converted into Law no. 85/2023 (in force from 1 January 2024), which regulates the inclusion allowance, monthly financial support is also provided for a continuous period not exceeding 18 months in favor of women included in protection courses relating to violence. The measure provides that women victims of violence, included in protection programs relating to gender violence, always constitute a separate family unit.

134. The report refers to the bill presented by the Government on 7 June 2023 and aimed at introducing provisions to combat gender violence against women and against domestic violence. The bill was definitively approved, and for the first time unanimously, by Parliament on 22 November 2023 (Law 24 November 2023, n. 168). The objective of the intervention is to strengthen the protection of the victim by increasing attention towards "spy crimes" and tightening preventive protection measures. In relation to the prosecution of the crime, the provision sets stringent deadlines for the adoption of precautionary measures, such as the more rigorous use of the electronic bracelet, and also provides for arrest in "deferred flagrante" i.e. based on the acquisition of video-photographic documentation or which derives from IT or telematic applications. Furthermore, the law favors the specialization of the magistrates who deal with this crime, provides for the obligation of "circular information", so that the appropriate measures to protect the victims are adopted in the event of extinction, ineffectiveness, revocation or substitution *in melius* of coercive precautionary measures for perpetrators of violence, and establishes the completion of recovery paths with a favorable outcome ascertained by the judge for access to the conditional suspension of the sentence. Finally, a provisional compensation is introduced (in advance of reaching the conviction) in favor of the victim or, in the event of death, of those entitled to it, in conditions of need.

136. The report refers to a lack of transparency in the implementation of the National Strategic Plan on violence against women and lack of homogeneity in implementation at regional level. In relation to the Plan, it is not considered that there has been a lack of transparency. Rather, there has been a change in the operating methods. Due to the critical issues that emerged with the spread of the Covid-19 pandemic in 2020, which continued into the following two years, it was necessary to redefine the priorities relating to policies on preventing and combating violence against women and domestic violence, whose activities are managed by the Department for Equal Opportunities. This completely exceptional situation imposed interventions and initiatives that could not be deferred which nevertheless implemented the strategic plan in force, overcoming the need to adopt a formal act. Therefore, it is highlighted that, although the health crisis has represented a phase of objective difficulty for the system of response to violence against women, it has at the same time prompted the identification of new strategies to overcome the crisis, as well as the planning of new initiatives.

Regarding the Action Aid report, it is reiterated that the figures reported in this report are incomplete and some are even wrong. The comparison between the financing of the various years is made by comparing the data of a complete year, i.e. last year, with that of a year that has not yet ended, and in whose final balance widely announced and well-known initiatives have not been included. As already explained at point n. 108, the funds for prevention have almost doubled, from 17 million to 30, namely increased by 80 percent. In fact, in the decree distributing resources to the regions (year 2023) signed by the Minister for the family, natality and equal opportunities, 55 million euros are allocated to the prevention and fight against violence against women (15 million euros more than 2022) and for the first time a significant amount has been allocated (9 million) specifically aimed at primary prevention, through empowerment measure for women victims of violence

Furthermore, it is highlighted that a representative of Actionaid, together with nine other members representing the national associations operating at a national level in the sector of violence against women and domestic violence, is a permanent member of the Observatory on the phenomenon of violence against women and domestic violence established within the Department for Equal Opportunities to which, as has happened up to now, it is possible to request further information and clarifications on the matter.

137. The report highlights a positive note on the establishment of the Femicide Commission and the reconstitution of the Violence Observatory but highlights at the same time coordination difficulties on the part of the Equal Opportunities Department and an unstable mandate for the Violence Observatory. The parliamentary Commission of inquiry on femicide, established with law no. 12 of 9 February 2023, for the first time it has a bicameral composition and carries out important investigation and monitoring activities. There are no difficulties, as highlighted in the report, on the part of the Department in coordinating the Violence Observatory. On the contrary, the work carried out within the Assembly and the Scientific Technical Committee allowed the drafting of the new law to combat violence against women and domestic violence (law 24 November 2023, n. 168) and the start of the work for the preparation of guidelines on training on violence, also in implementation of the art. 6 of law no. 168.

138. The report refers to the need of combating sexism and prejudice against women also among the personnel of the judicial authorities and police forces specifically employed to address the issue and it refers to mandatory training for magistrates. At this regard, it is worth to mention that the National Strategic Plan on male violence against women 2021-2023, with Priority 1.6, recognizes a decisive value in training. For this reason, it was launched, within the Technical-Scientific Committee of the national Observatory on the phenomenon of violence against women and domestic violence, a work aimed at the development of a White Paper or Guidelines on the training of operators who, in various capacities, come into contact with women victims of violence (magistrates, health workers, social workers, legal operators, teachers, police forces, etc.). This intervention aims to identifying and disseminating univocal and shared definitions on the topic of violence, to strengthen awareness and ensure greater recognition of the phenomenon in all its forms, also from a prevention perspective.

The issue of compulsory training for magistrates on violence against women was immediately given attention by the work of the Violence Observatory. The Scientific Technical Committee has started its work, in coordination with the Ministry of Justice, to implement the provisions of the art. 6 of law no. 168 of 24 November 2023 which, in paragraph 2, provides that "in defining the programmatic lines on training proposed annually by the Minister of Justice at the Higher School of the Magistracy, pursuant to article 5, paragraph 2, of the legislative decree of 30 January 2006, n. 26, specific training initiatives are included regarding the fight against violence against women and domestic violence".

140. The report refers to a reduction in the number of anti-violence centres and shelters. There are no numerical reductions in the number of anti-violence centres and shelters, even if inhomogeneities remain at a territorial level. On the contrary, as highlighted by the latest data presented by ISTAT <https://www.istat.it/it/files//2023/11/reportCAV.pdf>, compared to 2021, in 2022 the offer of the centres increased at a national level (+3.2%). On this aspect, as represented during the meeting with the Commissioner, it should however be highlighted that the functions relating to social services are the responsibility of the Regions. The Department is however strongly committed to monitoring the interventions activated at regional level.

141. The report observes the persistent insufficiencies for the financing of anti-violence centres and shelters. In Italy, since the entry into force of law no. 119/2013 to 2023, the economic resources allocated annually to prevent and combat violence have increased constantly and significantly. From 2014 to 2022, the financial resources annually distributed among the regions aimed at preventing and combating violence increased by 143%. The total transfers stood at 195.2 million euros. Including the latest distribution decree (year 2023), the increase is 234%, for a total amount of 252 million euros starting from 2014. A strong increase, equal to 83%, occurred in the period 2019- 2023. In the two-year period 2020-2022 it is equal to a 40% increase, for an amount distributed between the regions equal to 98 million euros. With the decree of 9 November 2023, resources increase to 153 million euros.

The greatest increase ever has been achieved under the current Government, also with reference to the resources dedicated to CAVs and shelters. For the latter, in fact, they went from 30 million in 2022, to 34 for 2023 and to 40 million structural when fully operational starting from 2024. The resources for the CAVs therefore underwent an increase of over 30% in just over a year. The resources for the National Anti-Violence Plan grew by 200% in one year, going from 5 to 15 million.

142. Italy is invited to take into consideration, within the structures responsible for the protection and reception of women victims of violence, also women with disabilities, also acknowledging the adoption of the Agreement on the minimum requirements of CAV and CR.

It should be noted that in the Agreement on the minimum requirements for anti-violence centres and shelters (14 September 2022), paragraph 2 of the art. 1, it is foreseen that the centres must support personalized paths for escaping violence without practicing discrimination based on ability. This attention is acknowledged in the survey carried out by Istat in the latest report (<https://www.istat.it/it/files//2023/11/reportCAV.pdf>).

Regarding women with disabilities, a common working group will be established between the Violence Observatory and the Disability Observatory, with a focus on violence against women with disabilities, with three objectives: a) developing a data collection system to describe and monitor the condition of women with disabilities that are victims of violence; b) contributing to guidelines currently being prepared by the Scientific Technical Committee of the Observatory against violence against women (see point 137); c) improving access to the anti-violence network by disabled women, both in terms of information and for physical locations. The working group implies collaboration between NGOs dealing with disabilities and NGOs working in the anti-violence network.

It is also noteworthy the adoption of the Agreement of 14 September 2022 between the State and Regions about the minimum requirements for centres for men who commit violence, aimed at establishing quality standards for centres and intervention programs at a national level. It is an intervention that is part of the prevention of violence against women hence avoiding risks of recidivism.

146. The report invites Italy to provide updates on the Freedom Income. The 2023 Budget Law refinanced the Freedom Income, allocating 1,850,000.00 euros. With this allocation, 375 applications were accepted, which are added to the 2,769 applications accepted in the past, in connection with 12 million euros of resources allocated. In the 2024 budget bill (still being examined by Parliament), funding of 6 million per year is expected to start from 2024, therefore the measure becomes structural in nature.

The implementation of the Microcredit of Freedom project also continues. The measure, now fully operational and implemented with the support of the National Microcredit Agency, Caritas and in collaboration with the ABI (Association of the Banking sector), is receiving attention, particularly with reference to social microcredit. A greater involvement of the CAVs is hoped for also through an intervention ad hoc by the Department for equal opportunities.

In relation to the lack of consultation and cooperation with the relevant associations about preventing and combating violence against women and domestic violence, it is worth noting their involvement in the preparation and drafting of the 2021-2023 National Strategic Plan, achieved through the organization of thematic and axis working tables. This broad and participatory method will also be adopted for the drafting of the next 2024-2026 Strategic Plan within the Violence Observatory, which includes 10 permanent members representing the associations together members of administrations, institutions and trade union and employer organisations.

2.4. CONCLUSIONS AND RECOMMENDATIONS

151. The non-stability of the governance framework is underlined in the report. However, it is important to remind that the governance bodies established both for the Equality Strategy and the Strategic Plan on Violence are stable and that the coordination and monitoring activities are responsibility of the Department for Equal Opportunities. These governance bodies were immediately activated when the new government and the new legislature took office. Institutional, territorial and sector association bodies as well as trade union organizations are represented within these bodies.

It is intention of the Government, in addition to the drafting of the new Strategic Plan on Violence 2024-2026, to undertake new initiatives such as the creation of an integrated communication plan, organized by target groups and types of messages, and research on gender stereotypes.

As the Commissioner herself acknowledged, in response to point 140, Italy has adopted the Agreement on minimum requirements aimed at guaranteeing high quality standards of the structures and services provided.

The resources are stable, and the central government has accelerated the timing of disbursement of resources to the Regions over the last two years. A dialogue can be undertaken with the Regions to verify areas for improvement at a territorial level, while respecting regional specificities. As anticipated, a specific working table will be set up to address issues related to gender violence and domestic violence connected to people with disabilities' concerns.

The associations are fully involved and their presence and participation within the Observatory guarantees strong collaboration.

Section “issues related to freedom of expression and other current issues”

172e 173 and 179: in 2020, the approval of a legislative provision, specifically Article 105-quater within the decree-law of May 12, 2020, no. 34, modified through the law of July 17, 2020, no. 77, further amended by article 38-bis, paragraph 1, in the decree-law of August 14, 2020, no. 104,

converted into law on October 13, 2020, no. 126, established a National Plan regarding the creation of nationwide centres combating discrimination rooted in sexual orientation and gender identity. This initiative, overseen by UNAR, allocated an annual budget of 4 million euros, starting from 2020.

3.2.3: CHILDREN'S RIGHTS

174-177 and 180. It should be firstly remembered that in this area no provision has been adopted by the Government (no directive, as erroneously indicated at point 174). All the news are related to sentences of the Supreme Court of Cassation and of the Constitutional Court.

In particular, sentence n. 38162 of the United Civil Sections of the Court of Cassation may be recalled, published on 30 December 2022, which excludes the automatic transcribing of birth certificates or foreign judicial orders that indicate the so-called "parent of intention" as the child's parent, in addition to the biological parent. The same ruling identifies an alternative instrument in Italian law (the so-called "adoption in particular cases") that is perfectly adequate to guarantee child's relationship with the biological parent's partner.

Following this ruling, the Ministry of the Interior limited itself to issuing a circular, reporting the sentence, to the territorial authorities (the Mayors through the Prefects) requesting them to adapt to its content.

The report seems to forget that the Constitutional Court itself, with sentence no. 79/2022, has overcome the precedent mentioned in the report and that, in any case, the conformity of the Italian system with the best standards of human rights protection is confirmed by the ECHR (ECtHR, rulings of 22 June 2023, *Modanese v. Italy*, *Nuti v. Italy*, *Bonzano v. Italy*).

On the other hand, following sentence 79/2022 of the Constitutional Court, which updated previous pronouncements on the same matter, some limits to the adoption in particular cases have been overcome, making this a "full" adoption.

Recently, the European Court of Human Rights rejected in fact some appeals against Italy, recognizing that in Italy - with the tool of the adoption in particular cases - all the rights of children and parents (and their partners) are fully guaranteed, without the need for transcription of foreign documents, but through the procedures already provided for by our legal system.