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(IN EU VALUES)

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EU VALUES

ANTI-DISCRIMINATION

OSS

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Abbreviations

art .= Article

c. = comma

Cost .= Constitution

Cass.Pen = Criminal cassation

cp . = penal code Constitution

cpp .= code of penal procedure cpp

DL .= Decree-law

Legislative **Decree** = Legislative decree

DPR .= Decree of the President of the Republic

DPCM = Decree of the President of the Council of Ministers

L. _ = Law

TEC = Consolidated text establishing the European Community - EC Treaty

TFEU = Treaty on the Functioning of the European Union

EU = European Union

Synthesis

This work integrates the regional OSS training course, social and health worker.

The objective of the project is to inform health and social workers about the Community, international and internal regulatory sources on the protection from discriminatory acts and treatments.

Among the types of discrimination, those on which attention is focused are gender discrimination, that referable to disability and the issue of gender and health in view of a necessary relatively recent approach to medicine and health and social welfare services.

For each type of discrimination, the definitions, the reference legislation, the framework of sanctionable conducts are introduced, as well as the contrast and prevention policies through Plans and Strategies based on external sources but implemented and implemented in Italy through national and regional planning.

For each of the typologies, a theoretical approach and good practices are also proposed for the dimension of prevention and contrast to the phenomenon for setting up the care relationship.

Introduction

With the Law, n. 3/ 2018 the OSS, the social and health worker , is included as a professional profile in the area of social and health professions.

As indicated by the Lazio Region, with RESOLUTION No. 439 of 02/07/2019, the OSS carries out its activity in collaboration with the other professional operators in charge of health and social assistance, according to the criterion of multi-professional work.

The areas of competence, already identified by the State-Regions Protocol of 2001, but above all the recent attribution of further areas and role specifications, integrate the figure of the OSS within the PAI, the individual care plans, interacting with the other figures professional.

To date, the OSS, legitimately inserted within health, social and socio-health organizations, needs to investigate issues that socialize professional ethical behavior and service development.

Carrying out its role in an integrated way with the organization of the service, it is essential that the OSS is aware of the factors of discrimination in the social and welfare context since discrimination, in all its possible forms and expressions, is one of the most common human rights violations and abuses.

Intolerance can manifest itself in a wide range of actions, from avoidance through hate speech to physical violence or even murder.

Discrimination occurs when a person is treated with less respect than another (distinction) in a similar situation only because he belongs, or is perceived as belonging, to a certain group or category of people.

Individuals may be discriminated against on the basis of age, disability, ethnicity, ancestry, race, religion, gender, sexual orientation, language, culture or for other reasons.

Discrimination, the result of prejudices and structures of opportunity, makes people powerless, prevents them from becoming active citizens, limits them in developing their skills and, very often, in many areas in accessing the world of work, health services , education or housing.

Discrimination has direct consequences on those individuals and groups that are discriminated against, but it has indirect and profound consequences on society as a whole. A society where discrimination is allowed or tolerated is one where people are deprived of the free exercise of their full potential for themselves and for society.

The work focuses on international, European and national anti-discrimination legislation.

In Europe the prohibitions of discrimination, contained in the founding Treaties from the very beginning, have had an extraordinary development, jurisprudential and normative, to such an extent

that they have become a specific sector of Union law.

Anti-discrimination protection, born within the context of racial segregation in the United States and the caste system in independent India, acquired an international dimension starting from the Second World War and helps to lay the foundations of a Europe of rights thanks to the innovative drive of the jurisprudence of the Court of Justice of the European Union and of the European Court of Human Rights.

In Italy, the constitutional paradigm incorporates two seemingly opposing forces which form the basis of Italian anti-discrimination law: The principle of equality in art. 3 and the principle of legal pluralism (**articles 2 and 6 of the Constitution**), important for the legal decoding of the types of discrimination.

On the one hand the principle of equality, in the. its formal capacity, but above all in its substantial one, appears to be the normative basis of all the interventions aimed at achieving social equality, the transformation in an egalitarian sense of society, also through the redistributive instruments of the State.

On the other hand it is probably the art . 2 to constitute the main innovative drive on the issue of discrimination when it opens up to the perspective of social pluralism.

To date, the anti-discrimination legislation is copious and articulated but, despite this, the current awareness of the existence of structural discrimination, today puts States in the position of having to adopt policies that take into account not only the legal framework but also other incentives, that consider and focus attention on the processes of socialization and models of behavior.

1. PRELIMINARY EUROPEAN CONCEPTS AND PRINCIPLES:

1.1 The principle of equality and non-discrimination in the constitutional system

In the Italian Constitution, the principle of equality and protection from discriminatory acts and treatments find expression in the general principle of equality are enshrined in art. 2 and 3

Article 2

The republic recognizes and guarantees the inviolable rights of man, both as an individual and in the social formations where he develops his personality, and requires the fulfillment of the mandatory duties of political solidarity.

Article 3

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. It is the duty of the republic to remove the economic and social obstacles which, by effectively limiting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organization of the Village.

Art.6

The Republic protects linguistic minorities with specific regulations.

With particular reference to the genre :

Article 29

The Republic recognizes the rights of the family as a natural society founded on marriage. Marriage is ordered on the moral and juridical equality of the spouses, with the limits established by law to guarantee family unity .

Article 37

The working woman has the same rights and, for equal work, the same wages as the worker. The working conditions must allow the fulfillment of its essential family function and ensure the mother and the child adequate special protection.

The law establishes the minimum age limit for paid work.

The Republic protects the work of minors with special rules and guarantees them, for equal work, the right to equal pay.

Article 48

All citizens, men and women, who have reached the age of majority are voters.

Voting is personal and equal, free and secret. Its exercise is a civic duty.

The law establishes the requirements and methods for exercising the right to vote for citizens residing abroad and ensures its effectiveness. To this end, a Foreign district has been established for the election of the Chambers, to which seats are assigned in the number established by the constitutional provision and according to criteria determined by the law.

The right to vote cannot be limited except for civil incapacity or as a result of an irrevocable penal sentence or in cases of moral unworthiness indicated by law.

Article 51

All citizens of either sex can access public offices and elected offices on equal terms, according to the requirements established by law. To this end, the Republic promotes equal opportunities between women and men with specific measures.

The law may, for admission to public offices and elected offices, make Italians not belonging to the Republic equal citizens.

Whoever is called to elective public functions has the right to have the time necessary to fulfill them and to keep his job .

With reference to disability:**Article 32**

The republic protects health as a fundamental right of the individual and in the interest of the community, and guarantees free care to the poor. No one can be forced to undergo a certain medical treatment except by law. The law cannot under any circumstances violate the limits imposed by respect for the human person.

Art.34

The school is open to everyone. Lower education, imparted for at least eight years, is compulsory and free. The capable and deserving, even if without means, have the right to reach the highest levels of studies.

1.2 Direct discrimination and indirect discrimination

Since the first draft of the law ratifying the New York Convention, *Convention international on the elimination of all forms of discrimination racial*, concluded in New York on December 21, 1965 and in force since January 4, 1969, the statement concerning the discriminatory phenomenon that it was intended to combat, indicated the concepts of discrimination and racial hatred as descriptive parameters.

The concept was extended to an ethnic, national or racial group, meaning that, in addition to the phenomenon of racism proper, i.e. referring to the belonging of certain individuals or communities to a certain "race", the intention was to combat the phenomena of hatred and of discrimination even when they concerned people belonging to a certain ethnic group or a certain nationality.

The notion of discrimination is described from a normative point of view in art. 1 of the New York Convention, according to which it "means any distinction, exclusion, restriction or preference based on race, color, descent or ethnic origin, which has the purpose or effect of destroying or endangering the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

In the Italian legal system, an almost identical notion of discrimination is provided by art. 43 Legislative Decree 286/1998 (Consolidated law on immigration), albeit in exclusive correlation to the legislation in which this provision is placed: "For the purposes of this chapter, discrimination is any behavior which, directly or indirectly, involves a distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, religious beliefs or practices, and which has the purpose or effect of destroying or impairing recognition, enjoyment or exercise, on equal terms, of human rights and fundamental freedoms in the political, economic, social and cultural fields and in any other sector of public life".

Italian jurisprudence has in turn attempted to provide a description of the discrimination. The Cassation has, for example, affirmed that, when we speak of "feeling of aversion or discrimination based on" ethnic origin or colour", we refer to "a feeling immediately perceptible as inherent in the exclusion of conditions of religious hatred. or he identified discrimination as a "manifest prejudice of inferiority of a single race". Reference is often made to the feeling of superiority of one's race and, conversely, of inferiority of the race or ethnic group to which the conduct is directed.

In the jurisprudence of the European Court of Human Rights, discrimination is described in a very general and broad way as already mentioned and consists in treating people who find themselves in comparable situations differently, unless objectively and reasonably justified.

The foundation of the notion provided by the Strasbourg Court is constituted by the art. 14 of the Convention on Human Rights, which states that the enjoyment of the rights and freedoms recognized in the Convention must be ensured without any discrimination, in particular those based on sex, race, colour, language, religion, political or other opinions, national or social origin, membership of a national minority, wealth, birth or any other status.

In Italy, the point of reference is the Legislative Decree 9 July 2003, n. 216, art. 2.

Concept of discrimination - equal treatment

1. For the purposes of this decree and except for the provisions of article 3, paragraphs 3 to 6, the principle of equal treatment means the absence of any direct or indirect discrimination on the grounds of religion, personal beliefs, handicaps, age or sexual orientation. This principle implies that no direct or indirect discrimination is practiced, as defined below:
 - a) direct discrimination when, due to religion, personal beliefs, handicap, age or sexual orientation, a person is treated less favorably than another person is, has been or would be treated in a similar situation;
 - b) indirect discrimination when an apparently neutral disposition, criterion, practice, act, pact or behavior can put people who profess a particular religion or ideology of another nature, people with disabilities, people of a particular age or of a sexual orientation in a situation of particular disadvantage compared to other people.
2. Without prejudice to the provisions of article 43, paragraphs 1 and 2 of the consolidated text of the provisions concerning the regulation of immigration and rules on the condition of foreigners, approved with legislative decree 25 July 1998, n. 286.
3. Also considered as discrimination, pursuant to paragraph 1, are harassment or unwanted behaviour, carried out for one of the reasons referred to in article 1, with the purpose or effect of violating the dignity of a person and to create an intimidating, hostile, degrading, humiliating or offensive environment.
4. An order to discriminate against persons on the grounds of religion, belief, disability, age or sexual orientation is considered discrimination within the meaning of paragraph 1.
5. The extension of the notion of discrimination to groups distinguished not only by ethnic, or racial, or geographical origin, but by other connotations (e.g. religious, gender, etc.) takes place following a progressive awareness of the possible, multiple manifestations and directions of discriminatory conduct or conduct aimed at discriminating.
6. In part, discriminatory behavior on a religious basis also tends to have an ethnic or racial root within them, to the extent that the discriminated religion is in turn characterized, at least in the collective imagination, by links with the membership of its faithful to this or that ethnic origin (this is the case of Judaism, but also of Islam).
7. To a lesser extent, religiously motivated discrimination also affects followers of religions not closely linked to a certain ethnic or cultural or geographical affiliation (as in the case of Christianity).

On the other hand, as regards gender discrimination, which for a long time has affected the condition of women, in recent decades we have witnessed discriminatory manifestations against categories of subjects whose sexuality has long been considered as an anomaly, if not a pathology or a deviance (to homosexuality, in its various meanings).

In all these cases, the discriminatory conduct starts from the emphasis on diversity and belonging to certain categories or groups of people, united by a factor (ethnic or geographical origin, religious belief, sexual orientation) seen as a connotation negative, as an object of mockery, contempt, hatred, or as a sign of an alleged inferiority.

Important in the Italian legislation are the provisions regarding the civil procedure in the field of discrimination. In particular:

LEGISLATIVE DECREE 1st September 2011, n. 150

Complementary provisions to the Code of Civil Procedure concerning the reduction and simplification of civil proceedings of cognition, pursuant to article 54 of the law of 18 June 2009, n. 69. (11G0192), Entry into force of the provision: 06/10/2011

LEGISLATIVE DECREE 1st September 2011, n. 150, *Complementary provisions to the code of civil procedure on the subject of reduction and simplification of civil proceedings of cognition, pursuant to article 54 of the law of 18 June 2009, n. 69. (11G0192) in force since 06/10/2011 (Last update to the deed published on 29/02/2020)*

Art. 28 Discrimination disputes

1. Disputes regarding discrimination referred to in article 44 of legislative decree 25 July 1998, n. 286, those referred to in article 4 of the legislative decree of 9 July 2003, no. 215, those referred to in article 4 of legislative decree 9 July 2003, n. 216, those referred to in article 3 of the law of 1 March 2006, n. 67, and those referred to in article 55-quinquies of the legislative decree of 11 April 2006, n. 198, are regulated by the summary procedure of cognition, unless otherwise provided for by this article.
2. The court of the place where the appellant has his domicile has jurisdiction.
3. In the trial of first instance the parties can stand trial personally.
4. When the plaintiff provides factual elements, also deduced from statistical data, from which it can be presumed the existence of discriminatory acts, agreements or behaviours, the defendant has the burden of proving the non-existence of discrimination. Statistical data may also relate to recruitment, contribution schemes, assignment of tasks and qualifications, transfers, career progression and dismissals of the company concerned.
5. With the order that defines the judgment, the judge can order the defendant to pay compensation for damages, including non-pecuniary damages and order the cessation of the prejudicial discriminatory behaviour, conduct or act, adopting, also towards the public administration, any other appropriate measure to remove its effects. In order to prevent the repetition of the discrimination, the judge may order the adoption, within the time limit set in the provision, of a plan to remove the established discrimination. In cases of discriminatory behavior of a collective nature, the plan is adopted after hearing the appellant collective body.
6. For the purposes of liquidating the damage, the judge takes into account the fact that the discriminatory act or behavior constitutes retaliation to a previous judicial action or an unjust reaction to a previous activity by the injured party aimed at obtaining compliance with the principle of equal treatment.
7. When accepting the proposed request, the judge can order the publication of the measure, only once and at the defendant's expense, in a national newspaper. The ordinance is communicated in the cases provided for by article 44, paragraph 11, of the legislative decree 25 July 1998, n. 286, from article 4, paragraph 1, of the legislative decree 9 July 2003, n. 215, from article 4, paragraph 2, of the legislative decree 9 July 2003, n. 216, and by article 55-quinquies, paragraph 8, of the legislative decree of 11 April 2006, n. 198.

The text of article 44 of the aforementioned legislative decree n. 286 of 1998, as amended by this legislative decree:

Article 44 (Civil action against discrimination). (Law 6 March 1988, n. 40, art. 42)

1. When the behavior of a private individual or public administration produces discrimination on racial, ethnic, linguistic, national, geographical origin or religious grounds, it is possible to resort to the ordinary judicial authority to request the cessation of the prejudicial behavior and the removal of the effects of the discrimination.
2. Article 28 of Legislative Decree 1 September 2011, n. 150.

Paragraphs 3 - 7 (repealed).

8. Whoever evades the execution of provisions, other than the sentence to pay compensation for damages, rendered by the judge in the disputes envisaged by this article is punished pursuant to article 388, first paragraph, of the penal code.
9. (repealed).
10. If the employer carries out a discriminatory act or behavior of a collective nature, even in cases where the workers affected by the discrimination cannot be identified immediately and directly, the appeal can be presented by the local representatives of the most representative trade union organizations nationwide.
11. Any ascertainment of discriminatory acts or behavior pursuant to article 43 by companies to which benefits have been granted pursuant to the laws in force of the State or regions, or which have entered into procurement contracts relating to the execution of public works, of services or supplies, is immediately communicated by the Magistrate, according to the methods provided for by the implementing regulation, to the public administrations or public bodies that have ordered the granting of the benefit, including financial or credit facilities, or the contract. These administrations or entities revoke the benefit and, in the most serious cases, order the exclusion of the manager for two years from any further granting of financial or credit facilities, or from any contract.
12. The regions, in collaboration with the provinces and municipalities, with immigrant and social voluntary associations, for the purpose of applying the provisions of this article and of studying the phenomenon, set up observation, information and legal assistance centers for foreigners, victims of discrimination on racial, ethnic, national or religious grounds."

The text of article 4 of the legislative decree 9 July 2003, n. 215 (Implementation of directive 2000/43/EC for equal treatment between people irrespective of race and ethnic origin.), as amended by this legislative decree:

«Art. 4 (Judicial protection of rights). –

1. Civil proceedings against the acts and behaviors referred to in article 2 are governed by article 28 of legislative decree 1 September 2011, n.150. In the event of ascertainment of discriminatory acts or behaviour, as defined by article 2 of this decree, article 44, paragraph 11, of legislative decree no. 286.
2. Whoever intends to take legal action for the recognition of the existence of one of the discriminations referred to in article 2 and does not consider making use of the conciliation procedure provided for by the collective agreements, can promote the attempt at conciliation pursuant to article 410 of the code of procedure civil law or, in the case of employment relationships with public administrations, pursuant to article 66 of the legislative decree of 30 March 2001, n. 165, also through the associations referred to in article 5, paragraph 1, paragraphs 3 - 6 (repealed).

The text of article 4 of the legislative decree 9 July 2003, n. 216 (Implementation of directive 2000/78/EC for equal treatment in employment and working conditions), as amended by this legislative decree:

«Art. 4 (Judicial protection of rights).

1. In article 15, paragraph 2, of law 20 May 1970, n. 300, after the word «sex» the following are added: «, of handicap, age or based on sexual orientation or personal beliefs».
2. Civil proceedings against the acts and behaviors referred to in article 2 are governed by article 28 of legislative decree 1 September 2011, n. 150. In the event of ascertaining discriminatory acts or behaviour, as defined by article 2 of this decree, article 44, paragraph 11, of legislative decree no. 286.
3. Whoever intends to take legal action for the recognition of the existence of one of the discriminations referred to in article 2 and does not consider making use of the conciliation procedures provided for by the collective agreements, can promote the attempt at conciliation pursuant to article 410 of the code of procedure civil or, in the case of employment relationships with public administrations, pursuant to article 66 of legislative decree 30 March 2001, n. 165, also through the local representations referred to in article 5.

paragraphs 4 - 7 (repealed).

8. The jurisdiction of the administrative judge for the personnel referred to in article 3, paragraph 1, of the legislative decree 30 March 2001, n. 165.». i shows the text of article 3 of law 1 March 2006, n.67 (Measures for the judicial protection of persons with disabilities who are victims of discrimination)

«Art. 3 (Jurisdictional protection).

1. Civil proceedings against the acts and behaviors referred to in article 2 are governed by article 28 of legislative decree 1 September 2011, n. 150.

paragraphs 2 - 4 (repealed).

The text of article 55-quinquies of Legislative Decree No. 198 of 11 April 2006 (Code of equal opportunities between men and women, pursuant to the article of Law No. 246 of 28 November 2005), as amended by this legislative decree:

«Art. 55-quinquies (Procedure for the protection against discrimination for reasons of sex in access to goods and services and their supply).

1. In the event of violation of the prohibitions referred to in article 55-ter, it is possible to appeal to the ordinary judicial authority to request the cessation of the prejudicial behavior and the removal of the effects of the discrimination.

2. Article 28 of legislative decree 1 September 2011, n. 150.

paragraphs 3 - 7 (repealed).

8. In the event of ascertained violation of the prohibition referred to in article 55-ter, by public or private subjects to whom benefits have been granted pursuant to the laws in force of the State or the regions, or who have entered into procurement contracts pertaining to the execution of public works, services or supplies, the judge immediately notifies the public administrations or public bodies that have ordered the granting of benefits, including financial or credit facilities, or of the contract. These administrations or bodies revoke the benefits and, in the most serious cases, order the exclusion of the manager for two years from any further granting of financial or credit facilities, or from any contract.

9. Article 28 of legislative decree 1 September 2011, n. 150.».

1.3 The principle of equality and non-discrimination in the supranational and European system

The system European anti - discrimination , consists of a framework of rules elaborated in multiple contexts but mainly from the law of the ECHR and by law of the Union .

The **ECHR**, the Convention European Union for Safeguarding of the rights of man and of freedom Fundamentals of 1950, is the first human rights treaty humans inspired from the Declaration universal of the rights humans of the United Nations.

The **ECHR** sanctions the obligation legally binding on the States contractors to acknowledge to each person subjected at the They jurisdiction the rights humans that I am statements in Convention .

The prohibition of discrimination is enshrined from the arts . 14 that ensures equal treatment __ in the enjoyment of the rights recognized in Convention :

The enjoyment of the rights and of freedom recognized in here I'm Convention needs to to be insured without any discrimination , especially well- founded ones on gender , race , color , language, religion , opinion policies or those of others genus , origin national or social , membership in a minority nationality , wealth , birth od every other condition .

Protocol no . 12 (2000) to the ECHR, broadens the scope of the prohibition of discrimination ensuring equal treatment __ in the enjoyment of each right included the rights foreseen from the legislation national . According to the report explanatory of the protocol , his adoption moves from the desire to consolidate protection against discrimination , considered _ basic in warranty of the rights humans . In particular , the protocol arises from the debate on reinforcement of the parity between the genders and between races . _

In the Union European legislation _ anti- discrimination , has its own legitimacy in the Treaty on Operation of the Union European Union (TFEU) that constitutes , together with the Treaty on the Union Union (TEU), one of the two ' pivotal ' treaties of the Union European , fundamental basis of law of the itself (already Treaty institutive of the Community economic European Union , signed in Rome on 25 March 1957 ; then modified by later Treaties , bro the Which yes can to recall in particular the Maastricht Treaty of 7 February 1992; the current text was last modified by the Treaty of Lisbon entered into force on 1 December 2009)

At the art . 19 of the TFEU (previously art. 13 of the TEC), authorizes the Council , after deliberation unanimously of the itself and approved by Parliament __ European , to « take the measures appropriate to combat discrimination _ founded on gender , race or origin ethnicity , religion or beliefs personalities , disability , age or orientation sexual ".

In 2003, this article was amended by the Treaty of Nice to allow for the adoption of incentive measures.

The European Convention for the Protection of Human Rights and Fundamental Freedoms led to the establishment of the European Court of Human Rights (ECHR), an independent international judicial body whose task is to judge violations of the European Convention on Human Rights. Human Rights (ECHR).

The Court, established in 1959 , is made up of 47 judges (as many as there are Contracting States) elected by the Parliamentary Assembly of the Council of Europe, by majority vote, on the basis of a list of three candidates presented by each State. Judges sit in an individual capacity and their mandate lasts nine years with no possibility of re-election. The President is in office for 3 years and can be re-elected.

Both Contracting States for any failure by another High Contracting Party to comply with the

provisions of the Convention and its Protocols, and individuals, non-governmental organizations or groups of individuals who claim to be victims of violations by party to a State party to the rights recognized in **the Convention** or its Protocols.

Another regulatory point of reference in Europe which sanctions rights and freedoms and establishes the control system which guarantees their respect is also the European Social Charter, which came into force in 1999.

The Parties recognize as the objective of a policy that they will pursue with all useful means, at national and international level, the creation of conditions capable of guaranteeing the effective exercise of the following rights and principles set forth therein.

The rights guaranteed by the Charter affect all individuals in their daily lives:

Right to housing : access to adequate housing at a reasonable price for all; reduction in the number of "homeless" people; a housing policy aimed at satisfying the needs of all disadvantaged categories; provisions to limit evictions; equal access for foreigners to social housing and housing subsidies; housing and housing subsidies corresponding to the needs of families.

Right to health protection: an accessible and effective health structure for the whole population; a disease prevention policy with a focus on ensuring a healthy environment; elimination of occupational risks to ensure in law and in practice health and safety in the workplace; right of working mothers to protection.

Right to education: free primary and secondary education; free and effective career guidance service; access to initial training (general and secondary technical education), tertiary and university technical education, vocational training, including continuing education; specific measures for foreign residents; integration of disabled children into the general education system; access for disabled people to education and career guidance.

Right to work : prohibition of forced labour; prohibition of work for young people under the age of 15 years; special working conditions for young people between 15 and 18; right to freely chosen work; a social and economic policy aimed at achieving full employment; fair working conditions with regard to pay and working hours; protection against sexual and moral harassment; freedom to form trade unions and employers' organizations for the protection of their economic and social interests; individual freedom to adhere or not to promote joint consultations, collective negotiation, conciliation and arbitration; protection in the event of dismissal; right to strike ; access of disabled people to the world of work.

Right to legal and social protection: protection of the juridical status of the child; re-education of juvenile delinquents protection against ill-treatment and violence; prohibition of any form of exploitation (sexual or otherwise); juridical protection of the family (equality of the spouses within the couple and towards the children, protection of children in case of separation of the parents); right to social protection, social assistance and the use of social services; right to protection against poverty and social exclusion; childcare facilities; specific protective measures for the elderly.

Right to free movement of persons : right to family reunification; citizens' right to leave their country; procedural guarantees in case of expulsion; simplification of immigration formalities.

Right to non-discrimination : the right of women and men to equal treatment and equal employment opportunities; guarantee of enjoying all the rights guaranteed by the Charter for citizens and aliens legally residing and/or working in the country concerned, without distinction based on race, sex, age, colour, language, religion, opinions, national or social origin, state of health or membership of a national minority; prohibition of discrimination based on family responsibilities; right of the disabled to social integration and participation in the life of the community.

The body of the Council of Europe responsible for monitoring the implementation of the Social Charter is the **CEDS**, the European Committee of Social Rights.

Its function is to monitor compliance by the states with the obligations envisaged by the Charter. It is made up of fifteen independent and impartial members elected by the Committee of Ministers of the Council of Europe for a term of six years, renewable once. The Committee decides whether the national situation of the contracting states complies with the Charter.

The form of control is the examination of the reports and the comparison with the dictates of the Charter.

Its decisions, published annually, are called "conclusions".

In the event of non-compliance by a state, if it fails to take the necessary measures to comply, the Committee of Ministers recommends that state to amend the situation in its domestic law or practice. The work of the Committee of Ministers is prepared by the Governmental Committee composed of representatives of the governments of the contracting states of the Charter, assisted by observers representing the European social partners.

A Protocol, opened for signature in 1995 and entered into force in 1998, allows complaints alleging violations of the Charter to be submitted to the European Committee of Social Rights.

European Union law against discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation is now transposed into national law in all Member States.

The main challenges are the lack of public awareness of their rights and the insufficient level of reporting of discriminatory events.

To support this process, the Commission provides funding to raise public awareness and train legal practitioners on equality law.

The principle of non-discrimination is one of the fundamental principles of the European Union and thanks to the EU anti-discrimination rules and the measures taken by the Commission to enforce them, citizens can make use of these rights in all Member States.

The real challenge is to ensure that victims of discrimination can effectively exercise their rights, that is, that they know where to turn for assistance and have access to justice.

To ensure that EU rights to equal treatment are properly implemented in practice, the Commission recommends that Member States continue to raise awareness of anti-discrimination rights and focus on those most at risk, involving employers and labor unions.

The Commission provides funding to support this kind of activity; facilitate the reporting of discrimination by improving victims' access to reporting mechanisms. National equality bodies play a crucial role and the Commission will continue to support their network and ensure that they effectively carry out their tasks under EU law; ensure access to justice for those who have suffered discrimination. The Commission's guidelines indicate concrete how to lodge a complaint and the Commission funds training on the application of equality law for legal practitioners and NGOs representing victims of discrimination;

Until 2000, EU non-discrimination law only covered the context of employment and social security, and only covered discrimination on grounds of sex.

In the 1990s, various interest groups exerted considerable pressure to extend the prohibition of discrimination enshrined in EU law to other areas, such as race and ethnic origin, sexual orientation, religious beliefs, age and disability. The fear of a resurgence of extremist nationalism in some EU Member States has led the heads of government to ensure the political will necessary to amend the Treaty establishing the European Economic Community, in order to give the Community the competence to adopt legislation in such areas.

The Charter of rights fundamental of the Union European Union, proclaimed in **Nice on 7 December 2000** and adapted in **Strasbourg on 12 December 2007**, provides in art. 21 « It is prohibited any form of discrimination founded, in particular, on the gender, race, color of the skin or origin ethnic or social characteristics _ genetics, language, religion or beliefs personal opinions _ policies or any other nature, belonging to one minority nationality, property, birth, handicap, age or

sexual orientation.² In scope of application of the Treaty that establishes the community European Union and the Treaty on the Union European is prohibited any discrimination founded on the citizenship , subject to the provisions details contained in the treated themselves »

in 2000 which will be specified later: the directive on equal treatment in employment, which prohibits discrimination based on religion, disability, age and sexual orientation in the workplace, and the directive on racial equality, which prohibits discrimination based on race or ethnic origin not only in the context of work but also in access to social protection and security as well as in access to goods and services.

This is a significant extension of the scope of application of EU non-discrimination law, as it has been recognized that, in order for individuals to develop their full potential in the labor market, it is essential to guarantee them equal access also to services such as health care, education and housing.

In 2004 , the Directive on equal treatment of men and women in access to goods and services extended the protection against discrimination based on sex to this sector.

On 29 October 2004, the then 25 countries of the Union signed the European Constitution in Rome, the fundamental document which, in addition to establishing the functioning of the European bodies, establishes the charter of rights of European citizens.

The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities" (Article 2 of the Treaty on European Union – TEU).

Internally, on 7 December 2000, the European Parliament, the Council of the European Union and the European Commission adopted the Charter of Fundamental Rights of the European Union which assumed, with the entry into force of the Treaty of Lisbon, the same legal value as the Treaties.

The Union has thus equipped itself with its own important normative reference in the field of fundamental rights. The protection and promotion of human rights within the EU operate both at the internal level of the Union (i.e. the defense of human rights within the Member States), and at the external level, i.e. that of the EU's relations with third countries and in international organizations.

With the law n. 57 of 7 April 2005, the Parliament ratified the Treaty of 29 October 2004, which adopts a "Constitution for Europe".

The European Constitution, made up of 450 articles divided into four parts, replaces most of the existing Treaties.

In Part II, the values on which the Union is founded are indicated. In particular:

TITLE III: EQUALITY

Article II-80 : Equality before the law

All people are equal before the law.

Article II-81 : Non-discrimination

1. Any form of discrimination based, in particular, on sex, race, skin color or ethnic or social origin, genetic characteristics, language, religion or personal beliefs, political opinions or any other nature, membership of a national minority, property, birth, disability, age or sexual orientation.
2. Within the scope of application of the Constitution and subject to specific provisions contained therein, any discrimination on grounds of nationality is prohibited.

Article II-82: Cultural, religious and linguistic diversity

The Union respects cultural, religious and linguistic diversity.

Article II-83: Equality between men and women

Equality between men and women must be ensured in all areas, including employment, work and pay.

The principle of equality does not prevent the maintenance or adoption of measures providing for specific advantages in favor of the under-represented sex.

Article II-84: Rights of the minor

1. Children have the right to the protection and care necessary for their well-being. They can freely express their opinion; this is taken into consideration on matters that concern them according to their age and maturity.
2. In all acts relating to minors, whether performed by public authorities or by private institutions, the best interests of the minor must be considered paramount.
3. The minor has the right to maintain regular personal relationships and direct contacts with the two parents, unless this is contrary to his interest.

Article II-85: Rights of the elderly

The Union recognizes and respects the right of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Article II-86: Integration of people with disabilities

The Union recognizes and respects the right of persons with disabilities to benefit from measures aimed at guaranteeing their independence, social and occupational integration and participation in the life of the community.

In Part III,

TITLE II: NON-DISCRIMINATION AND CITIZENSHIP

Article III-123

European law or framework law may regulate the prohibition of discrimination on grounds of nationality as set out in Article I-4(2).

Article III-124

1. Without prejudice to the other provisions of the Constitution and within the framework of the powers conferred by it on the Union, a European law or framework law of the Council may establish the necessary measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Council acts unanimously after obtaining the consent of the European Parliament.
2. By way of derogation from paragraph 1, European laws or framework laws may establish the basic principles of Union incentive measures and define such measures to support actions by Member States aimed at contributing to the achievement of the objectives referred to in paragraph 1, for exclusion of any harmonization of their laws and regulations.

An important role for the protection of human rights within the EU is played **by the European Union Agency for Fundamental Rights (FRA)**, established in 2007 with headquarters in Vienna. The Agency's purpose is to provide European institutions and national authorities with assistance and consultancy, in relation to fundamental rights, in the implementation of Community law, as well as to help them adopt measures or define appropriate initiatives.

At the international level, with the 2015-2019 **Action Plan** for Human Rights and Democracy coming to an end, on 26 March the European Commission and the High Representative presented the new EU Action Plan for Human Rights and democracy for the period 2020-2024 ([Action Plan](#)). The new Plan, expanding the topics touched upon by the previous document which covered the five-year period 2015-2019, aims to give the EU a new operational agenda in terms of the promotion and protection of human rights and to strengthen the leading role of the EU and the Member States in this industry globally.

In recent years, the European Union has also issued Guidelines on key human rights issues, including the death penalty, children's rights, torture and other cruel, inhuman or degrading treatment or punishment, the promotion and protection of freedom of religion or belief, children and armed conflict.

The EU also publishes an annual report on the Union's policies and initiatives in the field of human rights and democracy at the international level. Added to this is the Annual Report presented by the European Parliament on its activities to promote human rights.

European Council

Italy is a founding country of the Council of Europe and is one of the major contributors to the organisation's budget. The Council of Europe aims to promote democracy, human rights, European cultural identity and the search for solutions to social problems in Europe.

"European Convention on Human Rights" (ECHR) was signed in Rome on 4 November 1950, which set up an original system of international protection of human rights, offering individuals subjects the right to invoke judicial control over the respect of their rights, through the establishment of a European Court of Human Rights based in Strasbourg. The supranational monitoring system envisaged by the ECHR and in particular the role played by the Court constitute an unprecedented model at a global level.

Notable institutions acting within the Council of Europe are the European Commissioner for Human Rights and the European Commission for Democracy through Law, better known as **the Venice Commission**. The Commissioner, an independent and impartial institution, has the mandate to promote respect for human rights in the 47 member states of the Council of Europe through a permanent dialogue with the respective authorities in order to promote the development of national structures for the protection of human rights.

The Venice Commission provides legal advice to the member countries of the Council of Europe, assisting them in particular in adapting their legal and institutional structures to European and international standards in the fields of democracy, human rights and the rule of law. Established in 1990, the Commission is made up of "independent experts of international renown for their experience in democratic institutions or for their contribution to the development of law and political science".

The role of the EU in human rights, democratization, the rule of law and therefore anti-discrimination legislation and equal opportunities policies is fundamental.

supranational element present in the integration process, the EU is in fact endowed with a system of sources and acts of secondary law that are directly effective and applicable throughout the territory of the Member States.

The EU is also endowed with an institutional apparatus which operates according to and in the primary pursuit of EU interests and policies, as well as a judicial system capable of guaranteeing the uniform application and interpretation of EU law.

The institutional framework consists of 5 main institutions: **the European Council, the Council of the European Union, the European Commission; the Court of Justice of the European Union, the European Parliament or European Parliament.**

In pursuing its objectives, the EU exercises the competences attributed to it by the Treaties, some of which are of an exclusive nature, others competing with the competence of the Member States; in exercising its powers, the EU applies the principles of subsidiarity and proportionality (Principle of subsidiarity. European Union law). Furthermore, the EU is characterized by being an economic and monetary union (Economic and Monetary Union. European Union Law) and has its own institutions for the exercise of exclusive competence in monetary matters, the **European Central Bank and the European System of Central Banks (ESCB).**

Specific directives:

Directive 2000/43 of 29 June 2000, which implements the principle of equal treatment between people regardless of race or ethnic origin.

Directive 2000/78 of 27 November 2000, which establishes a general framework for equal treatment in employment and occupational conditions.

2. DISCRIMINATION FACTORS IN EUROPE

2.1 The prohibition of gender discrimination: from the Constituent Assembly to the affirmation of constitutional principles

On 2 June 1946, Italians were called to the polls to vote in the referendum on the institutional form to be given to the country and to elect 556 deputies of the Constituent Assembly which would draft the new republican constitution

For the first time, women were also allowed to vote.

In the history of the country, the elections of 2 June represented the first elections that were held by universal suffrage, all citizens, men and women, over the age of twenty -one , without distinction of sex, income and educational qualifications.

Voting took place to choose between Monarchy and Republic and to elect **556 deputies of the Constituent Assembly which would draft the new Constitution** .

Those entitled to vote were about 28 million Italians. The referendum gave a favorable outcome to the Republic.

As for the Constituent Assembly, however, in order to be able to proceed with the drafting of the new Constitution in the most effective way, a select committee called the **Commission of 75 was set up within it**.

Composed of 75 deputies chosen according to a proportional criterion among the various parties, the Commission of 75, divided into three sub-committees, had the task of elaborating and proposing the draft Constitution to the Assembly.

The Assembly met for the first time **on July 20, 1946** ; on 28 July he appointed **Enrico De Nicola** as provisional head of state .

After six months, the draft Constitution was presented which was discussed in **173** sessions and approved on **22 December 1947**.

The Constitution of the Italian Republic was promulgated by the provisional Head of State De Nicola on 27 December 1947. It entered into force on 1 January 1948.

21 women were elected and they contributed to introducing and articulating the guiding principle of equality and non-discrimination for the Italian democratic reconstruction.

The fundamental step was when the UDI, the Union of Italian Women, submitted to the elected members of the Constituent Assembly a list of provisions in favor of women to be included in the Constitution, explicitly asking for legal equality.

As reported by the constitutional lawyer Marilisa D'Amico: "legal equality with men in every field, the recognition of the right to work and access to all schools, professions, careers; the right to adequate protection which allows the woman to fulfill her duties as mother; equal valuation, treatment and compensation of men for equal work, performance, responsibility" .

The requests of the UDI were brought by the women to the Constituent Assembly and then accepted in the constitutional text, forming a common front.

Furthermore, it was thanks to the young Teresa Mattei the very important addition in the second paragraph of the art. 3 of the expression "de facto" which imposes on the Republic the commitment

(substantiality) to remove the obstacles to full personal development and effective participation.

From the reconstruction of the debates in the Assembly it emerged that there was resistance to sanctioning the effective equality between women and men, through the proposal to provide for exceptions.

The debate flared up when it was proposed to add the nativist principle of "attitudes" to the concept of elective offices, while, **in art. 37** against the expression of the role of women in society linked to the family: the choice was between "prominent role in the family" and "essential role in family function". Locutions that have two different courses.

A bitter debate also flared up on the principle of equality in the workplace both for equal pay and for protection in the workplace.

In the subcommittee facing the proposal by **Nilde Iotti**, also supported by **Dossetti and Togliatti**, to introduce the paragraph "the same rights and the same treatment that are due to workers", the honorable Merlin created indignation on the part of Nilde Iotti as she believed that the formula was equivocal since it would have generated the interpretation of the formula in the sense that they "must have the wages due to the male worker".

Other interventions specified that equal pay should be linked to equal performance, implying a presupposition of the inferiority of women in the workplace.

On this last point, the proposal to add "for the same yield" sparked an equally bitter debate.

The debate became even more heated in relation to the protection of the family function of women shared by the Communist Party and the Christian Democrats aimed at guaranteeing women "particular conditions that allow her to fulfill her work and her family mission". La Pira proposed adding the adjective "prevailing" to characterize the family mission of the woman and in the end a compromise was reached by replacing the adjective "prevailing" with "essential".

The Italian Constitution provides for legal gender equality in specific articles as indicated above, while non-discrimination is dealt with in the following paragraph.

Article 3

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. It is the duty of the republic to remove the economic and social obstacles which, by effectively limiting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organization of the Village.

With particular reference to gender:

Article 29

The Republic recognizes the rights of the family as a natural society founded on marriage.

Marriage is ordered on the moral and juridical equality of the spouses, with the limits established by law to guarantee family unity .

Article 37

The working woman has the same rights and, for equal work, the same wages as the worker. The working conditions must allow the fulfillment of its essential family function and ensure the mother and the child adequate special protection.

The law establishes the minimum age limit for paid work.

The Republic protects the work of minors with special rules and guarantees them, for equal work, the right to equal pay.

Article 48

All citizens, men and women, who have reached the age of majority are voters.

Voting is personal and equal, free and secret. Its exercise is a civic duty.

The law establishes the requirements and methods for exercising the right to vote for citizens residing abroad and ensures its effectiveness. To this end, a Foreign district has been established for the election of the Chambers, to which seats are assigned in the number established by the

constitutional provision and according to criteria determined by the law.

The right to vote cannot be limited except for civil incapacity or as a result of an irrevocable penal sentence or in cases of moral unworthiness indicated by law.

Article 51

All citizens of either sex can access public offices and elected offices on equal terms, according to the requirements established by law. To this end, the Republic promotes equal opportunities between women and men with specific measures.

The law may, for admission to public offices and elected offices, make Italians not belonging to the Republic equal citizens.

Whoever is called to elective public functions has the right to have the time necessary to fulfill them and to keep his job .

In recent years there has been a significant increase, quantitative and qualitative, of legislative interventions on gender equality.

In Europe, since the 1960s, the problem of equal opportunities between men and women has been tackled with the drafting of five action programmes, decade after decade.

In particular, a wide range of actions have been undertaken since the 1990s to support the role of women in European society.

1997 can be considered a turning point, as a new article was introduced into the Treaty establishing the European Community (TEC), namely Article 13 (now Article 19 TFEU), which empowers the Council to take measures to combat discrimination based on a whole range of new grounds, including racial or ethnic origin, religion or belief, age, disability and sexual orientation.

In 2003, this article was amended by the Treaty of Nice to allow for the adoption of incentive measures.

The 2017 European Pillar of Social Rights reaffirmed the principles of gender equality and equal opportunities. **Several directives** have been adopted in this context :

Directive 2000 /78/EC that establishes a framework General for Equal Treatment in Employment and Occupational Conditions ;

There directive 2006/54/CE concerning the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ;

Directive 2019 /1158 /EC on work - life balance for parents and carers which takes a broader perspective on the sharing of caring responsibilities between women and men;

The proposal for a **Directive of the European Parliament and of the Council COM (2020) 152** aimed at strengthening the application of the principle of equal pay for men and women for equal work or work of equal value through pay transparency and enforcement mechanisms .

In order to implement more active employment policies in the territory of the Union, in November 1997, the EU Member States launched the European Employment Strategy, the basis of which had been laid down by **the Essen European Council of 1994**.

This Strategy constitutes the cornerstone of European employment policies and is based on the four pillars of the **Treaty of Amsterdam** :

- **employability** (making sure people have the right skills);
- **entrepreneurship** (facilitating the creation of businesses and the recruitment of employees);
- **adaptability** (developing new and flexible working practices in a rapidly changing world);
- **equal opportunities** (ensuring equal conditions of access to jobs for women and men and equal treatment at work).

Through this Strategy, the promotion of employment thus becomes a matter of common interest for the European Union and obliges the Member States to coordinate their policies in order to achieve a high level of employment.

Indeed, the structure of the Strategy implies a continuous action of development and consolidation. Each year, Member States approve employment guidelines, which are then implemented through **National Action Plans (NAPs)**. The European Commission has the task of evaluating the impact of the NAPs on national policies, possibly formulating recommendations on the possibility of improving them.

In 2020, the European Commission adopted a series of policy documents on gender equality, which foresee the adoption of specific measures and actions for the coming years.

On 5 March 2020, the Gender Equality Strategy 2020-2025 was presented, containing a series of actions considered essential for achieving the traditional objectives in terms of gender balance: stop violence and gender stereotypes; equal participation and opportunities in the labor market; equal pay; gender balance in decision-making and politics.

The implementation of the strategy will proceed through the adoption of targeted measures to achieve gender equality, combined with greater gender mainstreaming.

The strategy includes, among other things:

- **broadening** the range of crimes where harmonization can be introduced across Europe, extending it to specific forms of violence against women, including sexual harassment, abuse of women and female genital mutilation;
- **a law** on digital services to clarify what measures are expected of platforms to tackle illegal online activities, including violence against women;
- **the strengthening** of the presence of women in sectors characterized by skills shortages, in particular the technological sector and that of artificial intelligence;
- **the launch** of a public consultation on pay transparency and the presentation of binding measures to combat wage inequality;
- **Strengthened** efforts to implement EU rules on work-life balance.

Furthermore, on 25 November 2020, the European Commission and the High Representative for the EU's Common Foreign and Security Policy presented the European Union Action Plan on Gender Equality – An Ambitious Agenda for Equality gender and women's empowerment in EU external action (EU Gender Action Plan - GAP III).

The plan includes initiatives, for the period 2021-2025, aimed at increasing the EU's commitment to gender equality, as a cross-cutting priority of external action, as well as fostering strategic engagement of the EU at multilateral, regional and national.

The Plan is aimed at increasing the EU's contribution to achieving sustainable development objective no. 5 as part of the 2030 Agenda, relating to the achievement of gender equality and the empowerment of all women and girls.

In Italy, the main novelty is constituted by the d. lgs. 11 April 2006, no. 198, containing the "Code of equal opportunities between men and women".

This is the general regulation on the matter and at least the passages in which it is envisaged that:

- a. "Equal treatment and opportunities between women and men must be ensured in all fields, including those of employment, work and pay" (art. 1, paragraph 2);
- b. the principle of equal opportunities does not prevent positive actions in favor of the under-represented gender (art. 1, paragraph 3);

- c. a "National Committee for the implementation of the principles of equal treatment and equality of opportunity between male and female workers" (art. 8) is set up;
- d. there are councilors for equal opportunities operating at the local level (articles 12 ss.);
- e. both direct (art. 25, paragraph 1) and indirect (art. 25, paragraph 2) discrimination are prohibited;
- f. sexual harassment is considered a form of discrimination (art. 26);
- g. the differentiation of wages and other treatments concerning work is prohibited (articles 28 ss.);
- h. dismissal due to marriage is forbidden (art. 35);
- i. special instruments of jurisdictional protection are guaranteed (articles 36 ss. and 55-quinquies ss.);
- L. positive actions are admitted and promoted (art. 42 ss.);
- m. equal access to goods and services is guaranteed (articles 55-bis ss.).

In addition to this special discipline, a very complex legislation is added, which cannot be fully mentioned here, but the main rules are listed below:

Law n. 903 of 1977 – Equal treatment of men and women in matters of work

Law n. 125 of 1991 – Positive actions for the realization of equality between men and women in the workplace

Law n. 53 of 2000 – Provisions for the support of maternity and paternity, for the right to care and training and for the coordination of city times.

Legislative decree n. 165 of 2001 – General rules on the organization of work employed by public administrations

Legislative decrees n. 215 and 216 of 2003 – Legislative decrees implementing the directives on equal treatment

Legislative Decree n. 198 of 2006 – Code of equal opportunities between men and women

Legislative Decree 25 January 2010, n. 5 – Implementation of Directive 2006/54/EC on the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. Important in this regard is the Department for Equal Opportunities.

In 1996, the Office of the Minister for Equal Opportunities was established at the Presidency of the Council of Ministers. On 12 July 1997, with the decree of the President of the Council of Ministers, the functions of the Minister were established. The Department for Equal Opportunities was established with DPCM n. 405 of 28 October 1997, modified with the DM of 8 April 1999, the DM of 30 November 2000, the DM of 30 September 2004, the DPCM of 1 March 2011 and the DM of 4 December 2012.

The **Department** takes care of the fulfilments concerning:

- the direction, proposal and coordination of regulatory and administrative initiatives in all matters pertaining to the planning and implementation of equal opportunities policies;
- the acquisition and organization of information, also through the creation of databases, as well as the promotion and coordination of fact-finding, verification, control, training and information activities in matters of equality and equal opportunities;
- the adoption and coordination of study and project development initiatives relating to issues

of equality and equal opportunities;

- the definition of new intervention, study and promotion policies for projects and initiatives, as well as the coordination of the initiatives of the administrations and other public bodies in matters of equality and equal opportunities;
- the guidance and coordination of the competent central and local administrations, in order to ensure the correct implementation of government regulations and guidelines in the field of equality and equal opportunities;
- the promotion of the necessary checks on the matter by the competent administrations, also for the purpose of requesting, in cases of particular importance, specific reports or the review of particular provisions pursuant to art. 5, paragraph 2, letter c), of the law of 23 August 1988, n. 400;
- the adoption of the initiatives necessary for the adaptation of the national legal system to the principles and provisions of the European Union and for the implementation of the Community programs in the fields of equality and equal opportunities;
- the care of relations with the state, regional and local administrations, as well as with the bodies operating in the field of equality and equal opportunities in Italy and abroad, with particular regard to the European Union, the United Nations World Organization, the Council of Europe and the OECD;
- the adoption of the initiatives necessary for the representation of the Italian Government, on the subject, in international relations and in national and international bodies, also through the designation of representatives;
- the organization and functioning of the secretariat of the Commission for equal opportunities between men and women;
- the acquisition and organization of information, also through databases, as well as the promotion of consequent initiatives, in relation to the matters of prevention, assistance and protection of minors from the exploitation and sexual abuse of minors object of the delegation of functions to the Minister referred to in Article 2, paragraph 1, of the Prime Ministerial Decree of 14 February 2002;
- the performance of the functions referred to in art. 7 of legislative decree 9 July 2003 n.215 and art. of the Prime Ministerial Decree of 11 December 2003, containing regulations for the office for the promotion of equal treatment and the removal of discrimination pursuant to art. 29 of the community law 1 March 2002, n.39.
- the functions of monitoring and supervising the implementation of the law of 12 July 2011, n. 120, concerning "equal access to the administrative and control bodies of companies listed on regulated markets", in order to ensure the achievement of adequate gender representation in economic activities and a more incisive female presence in corporate governance under the control of Public Administrations;
- tasks related to the promotion, analysis, control and support of equal treatment in access to goods and services and their supply, in implementation of Directive 2004/113/EC.

The 2021 budget law (article 1, paragraphs 104 and 106 of Law no. 178/2020) provides for the establishment of a Women's Business Committee at the Ministry of Economic Development, which is assigned the function of:

1. contribute to updating the guidelines for the use of Fund resources;

2. conduct economic, statistical and legal analyzes relating to the gender issue in the company;
3. formulate recommendations relating to the state of legislation and administrative action, national and regional, in the field of female entrepreneurship and on the themes of the presence of women in business and in the economy;
4. contribute to the drafting of the Annual Report that the Minister presents every year to Parliament on the activity carried out and on the possible measures to be adopted to solve the problems relating to the participation of the female population in the economic and entrepreneurial life of the country.

Equal Opportunity Code from formality to substance

Chapter IV - Promotion of Equal Opportunities Art. 42. Adoption and purpose of positive actions.

Positive actions are measures aimed at removing the obstacles which in fact prevent the creation of equal opportunities are aimed at promoting female employment and achieving substantial equality between men and women in the workplace.

Positive actions therefore have a remedial nature, they arise as a tool for the removal of conditions of inequality determined and identifiable by a historical-social factor.

Positive actions in relation to achieving gender equality aim in particular at:

- a) eliminate disparities in education and professional training, access to employment, career progression, working life and periods of mobility;
- b) favor the diversification of women's professional choices, in particular through scholastic and professional guidance and training tools;
- c) favoring access to self-employment and entrepreneurial training and the professional qualification of self-employed women and entrepreneurs;
- d) overcoming conditions, organization and distribution of work which cause different effects, depending on gender, for employees with prejudice to training, professional and career advancement or economic and remuneration treatment;
- e) promote the inclusion of women in activities, professional sectors and levels in which they are under-represented and in particular in technologically advanced sectors and at levels of responsibility;
- f) to promote, also through a different organization of work, conditions and working time, the balance between family and professional responsibilities and a better division of these responsibilities between the two sexes;
- f-bis) enhance the professional content of the tasks with the strongest female presence.

At the European level, the achievement of gender equality and the empowerment of all women and girls is one of the **17 Sustainable Development Goals** that countries have committed to achieve by 2030.

In Italy, legislative action in recent years has focused, on the one hand, on the world of work, which has been the subject of numerous regulatory interventions aimed at recognizing equal rights and greater protection for working women. In particular, the provisions aimed at promoting the reconciliation between life and work times (also through a bonus for babysitting services) and parenting support, as well as the provisions for contrasting the so-called blank resignation. The support instruments aimed at the creation and development of enterprises with predominantly or wholly female participation have also been strengthened .

Another line of interventions concerned the implementation of art. 51 of the Constitution, on equal access between women and men to elected offices , affecting the electoral systems present at the various levels (national, regional, local and in the European Parliament), as well as on the promotion of women's participation in the bodies of listed companies.

Increasing attention has also been paid to measures aimed at combating violence against women , pursuing three objectives: to prevent crimes, to punish the perpetrators and to protect the victims.

The centrality of issues relating to overcoming gender inequalities is also reaffirmed in the National Recovery and Resilience Plan (**PNRR**) to relaunch national development following the pandemic. In fact, the Plan identifies gender equality as one of the three transversal priorities pursued in all the missions that make up the Plan. The entire Plan will also have to be evaluated from a gender mainstreaming perspective.

In Italy, the actions were aimed above all at work-life balance and the world of work, in particular: **Maternity leave . Compulsory** paid leave for a total duration of five months as follows, based on the choice of the worker:

- months before delivery and three months after delivery, or, if medical conditions permit, one month before delivery and four months after delivery;
- exclusively after the birth, within the five months following it, on condition that the competent doctor certifies that this option does not harm the health of the woman and the child Time extension in case of premature birth or hospitalization of the newborn.

Currently:

- for female workers enrolled in the separate management:
 - maternity allowance also recognized in the event of non-payment of contributions by the client and, in the event of adoption or foster care, for the 5 months following the entry of the minor into the family;
 - the effective abstention from work is no longer necessary, as also foreseen for self-employed women.
- for pregnant self-employed women:
 - the employment relationship does not end;
 - the worker may request the suspension (without payment) of the employment relationship for a period not exceeding 150 days per calendar year;
 - (subject to the client's consent) the self-employed maternity worker can be replaced, totally or partially, by her family members
 - maternity leave is also recognized in the case of adoption or foster care, under the same conditions as for other female workers.
- female workers enrolled in the separate management, self-employed female workers and agricultural entrepreneurs, as well as female freelancers enrolled in a professional fund, are paid a maternity allowance for a further three months following the end of the maternity period, if in possession, in the year preceding the start of the maternity leave, with an income of less than 8,145 euros,
- for women who practice the legal profession, the legitimate impediment of the defender is expected in the period between the two months preceding the expected date of birth and the three months following the birth
- from 2018 for female researchers, fixed-term research contracts entered into by universities are suspended during the period of compulsory maternity leave and the deadline is extended for a period equal to that of compulsory leave

Paternity leave . Right of the working father to abstain from work for the entire duration of the maternity leave or for the residual part that would have been due to the female worker, in the event of death or serious illness of the mother, or abandonment, as well as in the event of exclusive custody of the child to the father. Recognized: - even if the mother is self-employed

Mandatory paternity leave. From 2022 equal to 10 days and extended to cases of perinatal death. Covered by notional contribution Optional paternity leave Structural from 2022, equal to an additional day of abstention (by agreement with the mother and in her replacement in relation to maternity leave) and extended to cases of perinatal death.

Family leave . Optional abstention from work of the male or female worker. In particular, once the period of maternity leave has elapsed, each parent has the right to abstain from work in the first 12 years of the child's life, with an overall maximum limit of 10 months (the same term also applies in the case of adoption and fostering). .

In particular:

- use is also permitted on an hourly basis;
- compensation for further periods of leave (due only in the presence of certain conditions) is provided up to the eighth year of age;
- the indemnity (30% for a maximum total of 6 months) is provided up to the sixth year of age.
- For male and female workers enrolled in the separate management, an extension to 6 months has been arranged, with the possibility of using it up to the third year of age for a maximum total period of 6 months (even if used in another management or social security fund). With minor children with disabilities, extension of parental leave up to the twelfth year of age.

The parent, an employee of public administrations, with minor children up to three years of age can request to be assigned (under certain conditions) to an office in the same province or region in which the other parent works (any dissent must be motivated).

Public administrations enter into agreements with nursery schools and kindergartens and organize parenting support services, open during periods when school is closed.

Adoption of a national strategic plan for gender equality, with the aim, among other things, of creating a national gender equality certification system. From 1 January 2022, possession of this certification is linked to the granting of a special partial contribution relief.

Transfer of personnel between administrations . The parent, an employee of public administrations, with minor children up to three years of age can request to be assigned (under certain conditions) to an office in the same province or region in which the other parent works (any dissent must be motivated).

Agile work . Employers (public and private) who enter into agreements for the performance of work in agile mode are obliged to give priority to requests for work execution according to the aforementioned method made by female workers in the three years following the conclusion of the leave maternity leave, or to workers with disabled children who require permanent, continuous and global assistance.

Instead of parental leave (or within the limits of the portion still due), the transformation of the full-time employment relationship into a part-time relationship can be requested, only once (provided with a reduction in working hours not exceeding 50 percent). In addition, priority is recognized in the transformation of the employment contract from full-time to part-time in the event of a request by a male or female worker, with a cohabiting child aged thirteen or less or with a disabled cohabiting child.

Corporate welfare . Possibility of converting cash prizes into company welfare services (exempt from any form of taxation) including education and training services (including supplementary and canteen services connected with educational services) not necessarily related to attendance at nursery schools and attendance at playrooms, summer and winter centres.

Return to work of working mothers . Increase of 50 million euros for 2021 of the Fund for family policies to be allocated to support the organizational measures adopted by companies to encourage the return to work of working mothers after giving birth.

Equal pay fund. The Fund for the support of gender equality pay is set up at the Ministry of Labor and Social Policies, with a budget of 2 million euros per year from 2022, increased by 50 million from 2023, for interventions aimed at supporting and recognition of the social and economic value of gender pay equality and equal opportunities in the workplace, as well as the financial coverage of interventions aimed at supporting women's participation in the labor market.

Contribution to unemployed or single-earner mothers . Introduction of a monthly contribution, up to a maximum of 500 euros net, for each of the years 2021, 2022 and 2023, in favor of unemployed or single-income mothers who are part of single-parent families with dependent children with a disability recognized to an extent not less than 60 percent.

Suspension of tax obligations . The expiry of terms relating to tax obligations to be paid by the freelancer is suspended in the following cases:

- premature birth. In this case, the terms relating to tax obligations are suspended from the day of hospitalization for childbirth until the thirtieth day following; -
- termination of pregnancy occurring more than three months after the start of the pregnancy. In this case the terms are suspended until the thirtieth day following the termination of the pregnancy

Incentive for hiring women

Law 92/2012 recognized private employers, including non-entrepreneurs, including employers in the agricultural sector, an incentive for the hiring of women who find themselves in disadvantaged conditions, meaning women:

- at least fifty years of age and unemployed for over twelve months;
- of any age, residing in regions eligible for funding under the European Union's structural funds, without a regularly paid job for at least six months;
- of any age who carry out professions or work activities in economic sectors characterized by a marked gender employment disparity²⁰ and without a regularly paid job for at least six months;
- of any age without a regularly paid job for at least twenty-four months, wherever they reside.
- For these hirings, a 50 per cent reduction in the employer's contributions is recognized for the duration of twelve months (eighteen if the aforementioned hiring is for an open-ended contract or if there is a transformation of the contract from a fixed-term to an open-ended contract).
- The 2021 budget law provides that on an experimental basis, for the two-year period 2021-2022, the aforementioned tax exemption will apply to the extent of 100 percent and up to a maximum amount of 6,000 euros per year

Recent actions are aimed at increasing female employment which aim to condition their execution to the hiring of young people and women, also through training/specialization contracts which can be activated before the start of the

same projects through the implementation with the art. 47 of Legislative Decree 77/2021 which indicates for the procedures relating to the stipulation of public contracts financed, in whole or in part with the resources envisaged by the National Recovery and Resilience Plan (**PNRR**) and by the National Plan for Complementary Investments (**PNC**), the Requirement of the quota of 30 per cent of recruitments to be allocated to new youth and female employment (Article 47, paragraph 4);

Directive COM (2021) 93 - on which the Chambers have expressed the expected opinion - is being examined by the European Parliament and the Council, which aims to counter the inadequate application of the fundamental right to equal pay pay and to ensure that this right is respected throughout the EU. The proposed directive pursues these objectives:

- ensuring pay transparency within organisations;
- facilitating the application of key equality concepts
- pay, including those of "pay" and "work of equal value";
- strengthening enforcement mechanisms.

With regard to gender-based violence, the activity of the legislator continued in the **XVIII legislature** to introduce measures to prevent crimes of violence against women, severely punish the perpetrators and offer adequate protection to the victims. This activity is in line with the regulatory evolution already accomplished on the matter in the last legislature, with the ratification of the Istanbul Convention (Law No. 77 of 2013), the amendments to the penal code and criminal procedure aimed at exacerbating the penalties for some crimes most often committed against women (Decree-Law No. 93 of 2013), the issuing of the first "Extraordinary action plan against gender-based violence" and the provision of funds to support victims.

During the XVII legislature, the Parliament:

- a) has provided - with the law n. 161 of 2017, reforming the so-called Anti-Mafia Code - that preventive measures may also be applied to suspects of stalking (special public security surveillance, prohibition of stay in one or more municipalities and patrimonial measures) and that, with the consent of the concerned, the so-called electronic bracelet can also be applied to the stalker, once its availability has been ascertained;
- b) has modified - with the law n. 4 of 2018 - the crime of murder aggravated by personal relationships, pursuant to art. 577 of the Criminal Code, providing for life imprisonment if the victim of the crime of homicide is the spouse, even if legally separated, the other part of the civil union, the person linked to the murderer by a stable emotional relationship and permanently cohabiting with him.

The murder of the divorced spouse or part of the terminated civil union is instead punished with imprisonment from 24 to 30 years.

Prevention, punishment and protection of victims of gender-based violence crimes are the objectives of law n. 69 of 2019, approved by Parliament in this legislature, and known by public opinion with the expression Red Code, to underline a specific path of protection, including in the process, of victims of violent crimes, with particular reference to crimes of sexual and housekeeper.

In particular, with regard to criminal law, the law introduced **four new crimes into the code**:

• **the crime of deformation of a person's appearance through permanent injuries to the face** (new art. 583-quinquies of the criminal code), punished with imprisonment from 8 to 14 years. At the same time, the crime of very serious personal injury pursuant to art. 583, second paragraph, n. 4 cp, which punished very serious personal injuries with permanent deformation or disfigurement of the face with imprisonment from 6 to 12 years. When the commission of this crime results in homicide, the penalty is life imprisonment. Furthermore, the reform includes this new crime in the catalog of violent intentional crimes which give the right to compensation from the State;

• **the crime of illicit dissemination of sexually explicit images or videos without the consent of the persons represented** (so-called Revenge porn, included in article 612-ter of the criminal code after the crime of stalking), punished with imprisonment from 1 to 6 years and fine from 5,000 to 15,000 euros; the penalty also applies to those who, having received or in any case acquired the

images or videos, disseminate them in turn in order to cause harm to the interested parties. The offense is aggravated if the facts are committed in the context of an affective relationship, even if it has ceased, or with the use of IT tools;

- **the crime of coercion or inducement to marry** (art. 558-bis of the criminal code), punished with imprisonment from 1 to 5 years. The case is aggravated when the crime is committed to the detriment of minors and it also proceeds when the fact is committed abroad by, or to the detriment, of an Italian citizen or a foreigner residing in Italy;
- **the crime of violation of the provisions of removal from the family home and of the prohibition of approaching places frequented by the offended person** (art. 387-bis), punished with imprisonment from 6 months to 3 years.

With further interventions on the penal code, the **law n. 69 of 2019** provided for amendments to the crime of ill-treatment against family members and cohabitants (art. 572 of the criminal code) aimed at:

- increase the penalty;
- provide for a special aggravated case (punishment increased by up to half) when the crime is committed in the presence or to the detriment of a minor, a pregnant woman or a disabled person, or if the fact is committed with weapons;
- always consider the minor who witnesses the abuse as a person offended by the crime.

Furthermore, the crime of ill-treatment of family members and cohabitants is included in the list of crimes which allow the application of preventive measures against suspects, including the measure of the prohibition of approaching places frequented by the person to be protected.

The law also changed:

- **the crime of persecution** (article 612-bis of the criminal code), with an increase in the sentence;
- **crimes of sexual violence** (articles 609-bis et seq. of the Criminal Code), by tightening the penalties and extending the time limit granted to the offended person to lodge a complaint (from the current 6 months to 12 months). The provision also reformulates and exacerbates the aggravating circumstances when sexual violence is committed to the detriment of a minor;
- **the crime of sexual acts with a minor** (art. 609-quater of the criminal code) with the provision of an aggravating circumstance (penalty increased by up to one third) when the acts are committed with minors under the age of 14 in exchange for money or any other benefit, even if only promised. This crime also becomes prosecutable ex officio.
- **the crime of homicide**, with the extension of the field of application of the aggravating circumstances of homicide aggravated by personal relationships. Finally, with an amendment to the art. 165 criminal code, the law n. 69 of 2019 established that the granting of the conditional suspension of sentences for crimes of domestic and gender-based violence is subject to participation in specific courses of recovery.

As far as criminal procedure is concerned, the structure of the law aims to speed up the establishment of criminal proceedings for crimes of domestic and gender-based violence, consequently speeding up any adoption of measures to protect victims (the so-called Red Code).

To this end, the law n. 69 of 2019 provides, in the face of crime reports relating to crimes of domestic and gender-based violence:

- that the judicial police, having acquired the news of the crime, immediately report to the public prosecutor, even orally; oral communication will be followed without delay by written

communication;

- that the public prosecutor, within 3 days of registering the news of the crime, obtain information from the offended person or from whoever reported the crime; this term can be extended only in the presence of unavoidable needs for the protection of minors or for the confidentiality of investigations, also in the interest of the offended person;
- that the judicial police carry out the investigative acts delegated by the Public Prosecutor without delay and make the documentation of the activities carried out available to the Public Prosecutor without delay.

With further interventions on the criminal procedure code, **the law, among other things:**

- introduces the obligation for the criminal judge - if civil proceedings for the separation of spouses or cases relating to the custody of minors or relating to parental responsibility are in progress - to transmit to the civil judge without delay the measures taken against one of the parties relating to crimes of domestic or gender-based violence;
- modifies the precautionary measure of the ban on approaching places frequented by the offended person to allow the judge to guarantee compliance with the coercive measure through control procedures using electronic means or other technical instruments (so-called electronic bracelet);
- provides for a series of communication obligations to the person offended by a crime of domestic or gender-based violence and to his relative lawyer

With **the Decree-law** n. 93 of 2013, the legislator asked the Government to adopt extraordinary plans to combat violence against women.

The provisions of the Plan have been partially modified recently by art. 1, paragraph 149, of the 2022 budget law (Law No. 234/2021), which changed the name from the Extraordinary Action Plan against sexual and gender-based violence to the National Strategic Plan against violence against women and Domestic violence.

This denomination follows the terminology used in **the Istanbul Convention** .

The Plan also loses the status of "extraordinary" to become a "strategic" tool in the fight against violence against women.

The 2021-2023 Plan re-proposes the structure of the previous Plan, with an articulation in **4 thematic Axes (prevention, protection and support, prosecution and punishment, assistance and promotion)** according to the lines indicated by **the Istanbul Convention** , each of which are linked specific priorities.

As for **prevention** , the priorities are:

- raising the level of awareness in public opinion and in the education and training system on the causes and consequences of male violence against women;
- the involvement of the private sector (social media, platforms, mass media) on the role of stereotypes and sexism, also in relation to cyber -violence and the illicit dissemination of sexually explicit images or videos;

- the promotion of female empowerment;
- the activation of actions for the emergence and contrast of violence against women victims of multiple discrimination;
- reinforcement for the prevention of recidivism for male perpetrators;
- the training of professionals who, for various reasons, interact with women victims and with minors in the process of prevention, support and reintegration;
- the connection of regulatory measures also in the area of prevention of secondary victimisation.

In terms of protection and support for victims, the priorities are :

- taking care of women victims of violence and minors victims of witnessing violence;
- the activation of paths of economic, financial, work and housing autonomy empowerment;
- the monitoring and improvement of the effectiveness of the "Paths aimed at women who suffer violence" active in healthcare and hospital establishments;
- the strengthening of the free national anti-violence telephone line 1522;
- the protection and psychosocial support of minors who are victims of witnessing violence;
- the implementation of operational solutions to guarantee access to prevention, support and reintegration services, in particular for women victims of multiple discrimination (migrants, asylum seekers and refugees).

Regarding the **prosecute and punish axis** , the priorities are:

- guarantee procedures and tools for the protection of women victims of violence that allow for an effective and rapid assessment and management of the risk of lethality, recurrence and recidivism;
- define a shared model of approach,
- risk management and assessment within the safety department;
- improve the effectiveness of judicial proceedings in the application of precautionary measures and suspended sentences;
- define guidelines for the analysis and qualitative and quantitative monitoring of the interventions carried out in the context of programs for abusive men.

Finally, in the field **of assistance and promotion**, the priorities are:

- the implementation of the integrated information system for the collection and analysis of data on the phenomenon; the implementation of a national level monitoring and evaluation system of interventions, policies, activities and resources;
- the preparation of guidelines, in agreement with the regions, to standardize the qualitative and quantitative standards of the services provided by the anti-violence centres, the territorial networks and the social and health system at a national level;

- the construction of stable places of discussion and planning for political bodies, institutions and administrative structures;
- communication and regulatory tools and operational interventions in support of women victims of male violence.

As far as the financial resources in support of the interventions envisaged by the Plan are concerned, reference should be made to the resources of the Equal Opportunities Fund which are posted - together with any other further interventions charged to the Fund in chap. 2108 of the estimates of the Ministry of Economy and Finance (MEF), to be subsequently transferred to the budget of the Presidency of the Council, where the chap. 496 contains the sums to be allocated to the Plan against violence against women.

In relation to the world of work, the constitutional references already indicated **in art. 37 of the Constitution**:

The working woman has the same rights and, for equal work, the same wages as the worker. The working conditions must allow the fulfillment of its essential family function and ensure the mother and the child adequate special protection.

The law establishes the minimum age limit for paid work.

The Republic protects the work of minors with special rules and guarantees them, for equal work, the right to equal pay.

With reference to elected offices and the world of work, a large step forward was made with the introduction of Legislative Decree Of 11 April 2006, n. 198, containing the "Code of equal opportunities between men and women". Briefly, the main steps of the provisions are:

- "Equal treatment and opportunities between women and men must be ensured in all fields, including those of employment, work and pay" (art. 1, paragraph 2);
- the principle of equal opportunities does not prevent positive actions in favor of the under-represented gender (art. 1, paragraph 3);
- a "National Committee for the implementation of the principles of equal treatment and equality of opportunity between male and female workers" (art. 8) is set up;
- there are councilors for equal opportunities operating at the local level (articles 12 ss.);
- both direct (art. 25, paragraph 1) and indirect (art. 25, paragraph 2) discrimination are prohibited;
- sexual harassment is considered a form of discrimination (art. 26);
- the differentiation of wages and other treatments concerning work is prohibited (articles 28 ss.);
- dismissal due to marriage is forbidden (art. 35);
- special instruments of jurisdictional protection are guaranteed (articles 36 ss. and 55-quinquies ss.);
- l) positive actions are admitted and promoted (art. 42 ss.);
- m) equal access to goods and services is guaranteed (articles 55-bis ss.).

To this discipline special add another _ legislation

Regarding the charges elective , in Italy, the prohibition of discrimination is provided for in art. 51 of the Constitution:

All citizens of either sex can access public offices and elected offices on equal terms, according to the requirements established by law. To this end, the Republic promotes equal opportunities between women and men with specific measures.

The law may, for admission to public offices and elected offices, make Italians not belonging to the

Republic equal citizens.

Whoever is called to elective public functions has the right to have the time necessary for their fulfillment and to keep his job.

In relation to gender discrimination in elected offices, the Constitution then underwent modifications of a certain importance.

In particular the art. 51 underwent a change: initially, it only established that "All citizens of one or the other sex can access public offices and elected offices in conditions of equality, according to the requirements established by law". Now, with the Constitutional Law of 30 May 2003, n. 1, a second sentence was added, "To this end, the Republic promotes equal opportunities between women and men with specific provisions".

Even with the reform of the art. 117, paragraph 7, introduced by art. 3 of the Constitutional Law of 18 October 2001, n. 3, there is something new: "Regional laws remove all obstacles that prevent full equality of men and women in social, cultural and economic life and promote equal access for women and men to elected offices".

Alongside these references, other important indications follow:

1. in the revised text from l. 3 November 2017, no. 165, establishes that in each list the candidates they have to be placed "according to an order gender alternating " and a norm identical is dictated **by art . 9** , paragraph 4, of Legislative Decree no. lgs . 20 December 1993, no. 533 ("Consolidated text of the laws on the election of the Senate of the Republic").
2. **the art . 56** of the Code of the even opportunity , he predicts preferential rules for access _ of the women in Parliament European .
3. **the art . 4** , paragraph 1, lett . c-bis) of the Law of 2 July 2004, n. 165 , concerning elections regional , he establishes that you read them electoral regional they have to respect some principles fundamental ; in particular , they must to observe that of the " promotion of the even chance between women and men in access to office elective , disposing that :
 - a. if the law electoral foresee the expression of preferences , in each list the candidates they are present in such a way that those of the same sex do not exceed 60 per cent of the total and either allowed the expression of at least two preferences , one of which reserved for a candidate of gender different , sorry the cancellation of the preferences following the first.
 - b. so far as they are foreseen lists without expression of preferences , the law electoral have the alternation between gender candidates _ different , such that the applicants of one sex do not exceed 60 per cent of the total .
 - c. so far as they are foreseen colleges uninominal , the law electoral have the balance between applications submitted with the same symbol such that the applicants of one sex do not exceed 60 per cent of the total ".

In recent legislatures , regulatory measures have been introduced aimed at promoting gender balance within elective assemblies, not only in Europe, but also local, regional and national (Law No. 215/2012 for municipal elections; the Law No. 56/2014 for the elections - of second degree - of the metropolitan and provincial councils; Law No. 20/2016 for the elections of the regional councils; Law No. 165/2017 for the elections to Parliament.

Promotional measures of equal opportunities have also been included in the most recent provisions concerning the regulation of political parties.

The provisions of the 2008 Finance Law also derive from the constitutional amendment of article 51, which, by regulating the organization of the national government, establish that its composition must be consistent with the constitutional principle of equal opportunities in accessing public offices and elective offices (art. 1, paragraphs 376-377, Law 244/2007)

In the field of labor market and business :

- **Law n. 125 of 1991** – Positive actions for implementation of the parity man -woman in work
- **Law n. 53 of 2000** – Provisions for support of the maternity and of authorship , for the right at the care and to training and coordination of the times of city
- **Decree legislative no. 165 of 2001** – Standards generals on the organization of employment of the administrations public
- **decrees legislative n. 215 and 216 of 2003** – Decrees implementing legislation _ of the directives on equal treatment _
- **Decree Legislative n. 198 of 2006** – Code of the even chance between man and woman
- **Decree Legislative January 25 , 2010, n. 5** – Implementation of the Directive 2006/54/EC on the principle of even opportunity and of equal treatment _ between men and women in employment and employment . _ _

The legislator has done so already in 1992 to positive actions for entrepreneurship female with Law 25 February 1992, n. 215 predicting provisions for predominantly enterprises _ participation feminine and on her legitimacy had yes he pronounced in favor of the Constitutional Court with Sent . no. 109 of 1993. arranging that the interventions foreseen by Law 215/1992, constituted “ interventions of a positive nature aimed at filling or, in any case , at mitigating an evident unbalance against _ of the women , who , due to discrimination accumulated in the course of the past history for the dominion of certain behaviors social and models cultural , has led to favoring people of the same gender male in the occupation of the entrepreneurial or managerial positions _ company ”.

- **the modification , first in 2011, then, in 2019 of the art . 147-ter of Legislative Decree lgs . 24 February 1998, no. 58** “Consolidated text of the brokerage provisions _ _ _ financial ” by establishing that the statute of the society quoted predicts that the allotment of the directors to be elected is made on the basis of a criterion that make sure the balance between the genera . gender less represented needs to obtain at least two fifths of the administrators elected . This division criterion _ yes apply for six terms consecutive ” (paragraph 1-ter).

Chapter IV - Promotion of Equal Opportunities (Legislative Decree No. 198 of 11 April 2006)

Adoption and purpose of positive actions.

Positive actions are measures aimed at removing the obstacles which in fact prevent the creation of equal opportunities are aimed at promoting female employment and achieving substantial equality between men and women in the workplace.

Positive actions therefore have a remedial nature, they arise as a tool for the removal of conditions of inequality determined and identifiable by a historical-social factor.

Positive actions in relation to achieving gender equality aim in particular at:

- a) eliminate disparities in education and professional training, access to employment, career progression, working life and periods of mobility;
- b) favor the diversification of women's professional choices, in particular through scholastic and professional guidance and training tools;
- c) favoring access to self-employment and entrepreneurial training and the professional qualification of self-employed women and entrepreneurs;
- d) overcoming conditions, organization and distribution of work which cause different effects, depending on gender, for employees with prejudice to training, professional and career

- advancement or economic and remuneration treatment;
- e) promote the inclusion of women in activities, professional sectors and levels in which they are under-represented and in particular in technologically advanced sectors and at levels of responsibility;
 - f) to promote, also through a different organization of work, conditions and working time, the balance between family and professional responsibilities and a better division of these responsibilities between the two sexes;
 - f-bis) enhance the professional content of the tasks with the strongest female presence.

At the European level, the achievement of gender equality and the empowerment of all women and girls is one of the **17 Sustainable Development Goals** that countries have committed to achieve by 2030.

In Italy, legislative action in recent years has focused, on the one hand, on the world of work, which has been the subject of numerous regulatory interventions aimed at recognizing equal rights and greater protection for working women. In particular, the provisions aimed at promoting the reconciliation between life and work times (also through a bonus for babysitting services) and parenting support, as well as the provisions for contrasting the so-called blank resignation. The support instruments aimed at the creation and development of enterprises with predominantly or wholly female participation have also been strengthened .

Another line of interventions concerned the implementation of art. 51 of the Constitution, on equal access between women and men to elected offices , affecting the electoral systems present at the various levels (national, regional, local and in the European Parliament), as well as on the promotion of women's participation in the bodies of listed companies.

Increasing attention has also been paid to measures aimed at combating violence against women , pursuing three objectives: to prevent crimes, to punish the perpetrators and to protect the victims.

The centrality of issues relating to overcoming gender inequalities is also reaffirmed in **the National Recovery and Resilience Plan (PNRR)** to relaunch national development following the pandemic. In fact, the Plan identifies gender equality as one of the three transversal priorities pursued in all the missions that make up the Plan. The entire Plan will also have to be evaluated from a gender mainstreaming perspective.

In Italy, the actions were aimed above all at work-life balance and the world of work, in particular: **Maternity leave** . Compulsory paid leave for a total duration of five months as follows, based on the choice of the worker:

1. two months before the birth and three months after the birth, or, if medical conditions permit, one month before the birth and four months after the birth;
2. exclusively after the birth, within the five months following it, on condition that the competent doctor certifies that this option does not harm the health of the woman and the child Time extension in case of premature birth or hospitalization of the newborn.

Currently:

1. for female workers enrolled in the separate management:
 - maternity allowance also recognized in the event of non-payment of contributions by the client and, in the event of adoption or foster care, for the 5 months following the entry of the minor into the family;
 - the effective abstention from work is no longer necessary, as also foreseen for self-employed women.
2. for pregnant self-employed women:
 - the employment relationship does not end;
 - the worker may request the suspension (without payment) of the employment relationship for a period not exceeding 150 days per calendar year;

- (subject to the client's consent) the self-employed maternity worker can be replaced, totally or partially, by her family members
 - maternity leave is also recognized in the case of adoption or foster care, under the same conditions as for other female workers.
3. female workers enrolled in the separate management, self-employed female workers and agricultural entrepreneurs, as well as female freelancers enrolled in a professional fund, are paid a maternity allowance for a further three months following the end of the maternity period, if in possession, in the year preceding the start of the maternity leave, with an income of less than 8,145 euros,
 4. for women who practice the legal profession, the legitimate impediment of the defender is expected in the period between the two months preceding the expected date of birth and the three months following the birth
 5. from 2018 for female researchers, fixed-term research contracts stipulated by universities are suspended during the period of compulsory maternity leave and the deadline is extended for a period equal to that of compulsory leave.

Paternity leave . Right of the working father to abstain from work for the entire duration of the maternity leave or for the residual part that would have been due to the female worker, in the event of death or serious illness of the mother, or abandonment, as well as in the event of exclusive custody of the child to the father. Recognized: - even if the mother is self-employed

Mandatory paternity leave. From 2022 equal to 10 days and extended to cases of perinatal death. Covered by notional contribution Optional paternity leave Structural from 2022, equal to an additional day of abstention (by agreement with the mother and in her replacement in relation to maternity leave) and extended to cases of perinatal death.

Family leave. Optional abstention from work of the male or female worker. In particular, once the period of maternity leave has elapsed, each parent has the right to abstain from work in the first 12 years of the child's life, with an overall maximum limit of 10 months (the same term also applies in the case of adoption and fostering). .

In particular:

1. use is also permitted on an hourly basis;
2. compensation for further periods of leave (due only in the presence of certain conditions) is provided up to the eighth year of age;
3. the indemnity (30% for a maximum total of 6 months) is provided up to the sixth year of age.

For male and female workers enrolled in the separate management, an extension to 6 months has been arranged, with the possibility of using it up to the third year of age for a maximum total period of 6 months (even if used in another management or social security fund). With minor children with disabilities, extension of parental leave up to the twelfth year of age.

The parent, an employee of public administrations, with minor children up to three years of age can request to be assigned (under certain conditions) to an office in the same province or region in which the other parent works (any dissent must be motivated)

Public administrations enter into agreements with nursery schools and kindergartens and organize parenting support services, open during periods when school is closed.

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a national gender equality certification system. From 1 January 2022, possession of this certification is linked to the granting of a special partial contribution relief.

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Corporate welfare . Possibility of converting cash prizes into company welfare services (exempt from any form of taxation) including education and training services (including supplementary and canteen services connected with educational services) not necessarily related to attendance at nursery schools and attendance at playrooms, summer and winter centres.

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2. termination of pregnancy occurring more than three months after the start of the pregnancy. In this case the terms are suspended until the thirtieth day following the termination of the pregnancy

Incentive for hiring women

Law 92/2012 recognized private employers, including non-entrepreneurs, including employers in the agricultural sector, an incentive for the hiring of women who find themselves in disadvantaged conditions, meaning women:

- at least fifty years of age and unemployed for over twelve months;
- of any age, residing in regions eligible for funding under the European Union's structural funds, without a regularly paid job for at least six months.
- of any age who carry out professions or work activities in economic sectors characterized by

a marked gender employment disparity²⁰ and without a regularly paid job for at least six months.

- of any age without a regularly paid job for at least twenty-four months, wherever they reside.

For these hirings, a 50 per cent reduction in the employer's contributions is recognized for the duration of twelve months (eighteen if the aforementioned hiring is for an open-ended contract or if there is a transformation of the contract from a fixed-term to an open-ended contract).

The 2021 budget law provides that on an experimental basis, for the two-year period 2021-2022, the aforementioned contribution exemption will apply to the extent of 100 percent and up to a maximum amount of 6,000 euros per year.

Recent actions are aimed at increasing female employment which aim to condition their execution to the hiring of young people and women, also through training/specialization contracts which can be activated before the start of the

same projects through the implementation with the art. 47 of Legislative Decree 77/2021 which indicates for the procedures relating to the stipulation of public contracts financed, in whole or in part with the resources envisaged by the National Recovery and Resilience **Plan (PNRR)** and by the National Plan for Complementary Investments (**PNC**), the Requirement of the quota of 30 per cent of recruitments to be allocated to new youth and female employment (Article 47, paragraph 4);

In the field of equal pay, the proposal for a Directive COM (2021) 93 - on which the Chambers have expressed the expected opinion - is being examined by the European Parliament and the Council, which aims to counter the inadequate application of the fundamental right to equal pay pay and to ensure that this right is respected throughout the EU. The proposed directive pursues these objectives:

- ensuring pay transparency within organisations.
- facilitating the application of key concepts relating to equal pay, including those of "pay" and "work of equal value".
- strengthening enforcement mechanisms.

The XI Commission (Labour) of the Chamber is examining some bills which contain provisions aimed at the employment of women victims of gender-based violence. In particular, the proposals intend to ensure this objective both through the recognition of tax breaks for the hiring of women victims of violence, and through the inclusion of the same in protected categories for the purposes of compulsory placement in the workplace.

The tools to support the creation and development of enterprises with a prevalent or total female participation have undergone a consistent implementation. Recent legislative interventions have on the one hand strengthened credit support and on the other introduced forms of direct support, together with actions for the diffusion of entrepreneurial culture among the female population, entrusted to public bodies in charge of this. The Women's Business Committee was set up - pursuant to the provisions of the 2021 budget law - at the Ministry of Economic Development and its powers include that of formulating recommendations relating to the state of legislation and administrative action, national and regional, in subject of female entrepreneurship and on the themes of the presence of women in business and in the economy.

The resources of the **PNRR** definitely strengthen the picture. The law of 30 December 2020, n. 178 established the Women's Enterprise Fund and provided that the Fund could grant non-repayable grants for the start-up of women's enterprises (with particular attention to sole proprietorships, freelance activities and activities started by unemployed women of any age); as well as zero-interest or subsidized loans to start and support the activities of women's businesses. The combination of grants and loans is also permitted.

The activities must focus on collaboration with the regions and local authorities, with trade associations, with the chambers of commerce system and with the committees for women's entrepreneurship, also through forms of co-financing between the respective programs on the

subject. The Minister of Economic Development must then annually submit to the Chambers a report on the activity carried out and on the possible measures to be taken to solve the problems relating to the participation of the female population in the economic and entrepreneurial life of the country. To this end, the law provides for the establishment of the Women's Business Committee, which the Minister uses to carry out the activities indicated above.

The Interministerial Decree of 30 September 2021, adopted by the Ministry of Economic Development in agreement with the Minister of Economy and Finance and with the Minister for Equal Opportunities and the Family, regulates the scope of application, the aims of the intervention, the distribution of the financial endowment of the Fund and the implementation methods of the subsidy interventions from it, divided into the following lines of action:

- a) incentives for the birth and development of women's businesses;
- b) incentives for the development and consolidation of women's businesses;
- c) actions for the dissemination of culture and entrepreneurial training for women.

The Legislative Decree n. 34/2019 (L. n. 58/2019) introduces measures aimed at supporting, through facilitated conditions of access to credit, the creation of micro and small enterprises with predominantly or total participation by young people or women, throughout the national territory.

The subsidized zero-interest mortgages have a maximum duration of ten years (instead of 8 as envisaged before decree-law no. 34/2019) and for an amount not exceeding 75% of the eligible expenditure within the limits permitted by the state aid regulations of minor importance, so-called "de minimis" (Regulation (EU) No. 1407/2013), whereby the amount of the aid - in terms of interest relief - cannot exceed 200,000 euros over three financial years. The intervention in question was strengthened with the 2020 budget law (Law n. 160/2019 art. 1, paragraph 90, letter d)), which introduced the possibility of integrating the subsidized loans referred to in chapter 01 of Legislative Decree no. 185/2000, with a non-repayable quota (cf. infra), granted with an over the counter procedure, in an amount not exceeding 20 per cent of eligible expenses.

The investment initiatives must concern the production of goods in the sectors of industry, handicrafts, the transformation of agricultural products or the provision of services in any sector, including commerce and tourism, as well as initiatives relating to other sectors of particular relevance for the development of youth entrepreneurship (identified by the implementing inter-ministerial decree).

The beneficiaries are the companies:

- a) established no more than sixty months after the date of submission of the
- b) application for relief;
- c) of micro and small size;
- d) established in corporate form;
- e) in which the team is made up, for more than half of the members and participation shares, by persons aged between 18 and 35 or by women.

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The beneficiaries are the companies:

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- b. of micro and small size;
- c. established in corporate form;

- d. in which the team is made up, for more than half of the members and participation shares, by persons aged between 18 and 35 or by women.

2.2 Gender discrimination from the point of view of health care

Since the 1970s it has become increasingly evident that the development of medicine had taken place through studies conducted mainly on male subjects.

Since the 1990s, traditional medicine has undergone a profound evolution through an innovative approach which aims to study the impact of biological, environmental, cultural, psychological and socio-economic variables determined by gender on the physiology, pathology and clinical characteristics of diseases.

In the 1980s, the first reference for orientation towards gender-oriented health care policies was given by the UN with a convention aimed at eliminating all forms of discrimination against women.

With the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** adopted in 1979 by the United Nations General Assembly - International Treaty on Women's Rights, it entered into force on 3 September 1981, in fact the Member States are urged to take "appropriate measures to eliminate discrimination against women in the field of health care".

Thus was born the concept of gender medicine from the idea that the differences between men and women in terms of health are linked not only to their biological characterization and reproductive function, but also to environmental, social, cultural and relational factors defined by the term "gender".

The inclusion of the issue of "gender differences" in pharmacological experimentation, scientific research and health care policies is therefore recent.

The gender approach in medicine (treatment and prevention of diseases) and consequently in health care finds support from a whole series of studies in various fields:

- **Gender difference** in many diseases common to men and women - they very often present different incidence, symptoms and severity.
- **Men and women** may also have a different response to therapies and adverse drug reactions.
- **Access to care** has significant gender-related inequalities. Women get sicker more, consume more drugs and are more subject to adverse reactions, and are socially "disadvantaged" compared to men (physical and psychological violence, higher unemployment, economic difficulties).
- **For the same pathologies** , women can present, compared to men, different signs and symptoms (myocardial infarction) or different localizations (colon neoplasms, melanoma). Women have an immune system capable of activating more effective immune responses than men, and are therefore more resistant to infections, but at the same time show greater susceptibility to autoimmune diseases.
- **In Western countries**, although women live longer than men, the expectation of a "healthy life" is equivalent between the two sexes; in fact, in women, the years of advantage are often burdened by disability, mainly related to the consequences determined by chronic diseases and poor quality of life,
- **The response to therapies** , in the field of gender differences, is of significant importance.

Some physiological parameters (height, weight, percentage of lean and fat mass, quantity of water, gastric pH) are different in men and women and condition the absorption of the drugs, their mechanism of action and their subsequent elimination. Despite these variables, the effects of the drugs have been studied mainly on male subjects and the dosage in the clinical trial is defined on a man weighing 70 kg. In addition to the factors mentioned above, age and ethnicity are further relevant variables in the response to therapy. The same can be said for the performance of medical devices and the effects of their use .

- **Medicines and Medical Devices** . Gender differences in pharmacology are very important and in part attributable to the different biology between the two sexes: hormonal variations, weight, body composition, gastric acidity, glomerular filtration. All of these factors influence the absorption, distribution, metabolism and elimination of drugs. Compared to men, women consume more drugs, often in polypharmacy , and record a greater number of adverse events. The effectiveness of some drugs differs between genders. To date, the number of women in intervention clinical trials is very low and even in preclinical trials most of the studies are conducted on male animals. The same situation can be found in the field of studies on medical devices, such as prostheses or venous catheters. In fact, a use of medical devices that takes into account the anatomical-functional differences related to gender is not yet sufficiently considered.
- **Cardiovascular disease** in women is an issue that has been little considered and women poorly included in clinical trials related to heart disease. Furthermore, the understanding of the pathophysiological mechanisms of cardiovascular pathologies in women is still not clear, for example, they may present different symptoms of heart attack. The incidence of cardiovascular pathologies is lower than in men during the fertile age, it equals men after the meno-pause, until it exceeds it after the age of 75, this by virtue of the endocrine-metabolic variations due to the lack of of estrogenic protection. In Italy, mortality from cardiovascular, heart and brain diseases is higher for women than for men and the leading cause of death for women, as in all industrialized countries, is myocardial infarction.
- **Neurological Diseases** . The brain differs both structurally and functionally in males and females. Neuroimaging demonstrated the presence of dimorphic brain regions in both sexes, with greater volume of the frontomedial cortex , amygdala, and hypothalamus in males, and paralimbic frontal regions , orbital cortex, precentral gyrus, and lingual gyrus in females. Connectome studies have shown that male brains have increased intra-hemispheric connections, while female brains have increased inter-hemispheric connectivity. These structural differences explain the better integration between perception and coordinated action in males, who are better at visuospatial tasks , and between logical processing and intuitive thinking in females, who are better at verbal tasks. Epidemiological studies of the incidence and prevalence of neurological diseases in both sexes include sexual cerebral dimorphism – together with genetic, hormonal, immunological factors, and the response to psychosocial stress – among the risk factors for specific morbid conditions. For example, Alzheimer's disease, multiple sclerosis and major depression affect females more frequently, while Parkinson's disease has a higher incidence in males. Gender also influences the brain changes associated with aging, modulated by hormonal changes that occur after menopause.
- **Bone diseases** . Among bone diseases, osteoporosis is still today a pathology perceived as a characteristic of the female sex linked to the lack of estrogen that occurs in the postmenopausal age . In fact, epidemiological studies show that in Europe 6% of men aged between 50 and 90 have osteoporosis. Osteoporosis, and the consequent increase in the risk of fractures, are mainly studied in women, although, with a 10 -year delay, men also develop osteoporosis and a risk of fracture in old age. Furthermore , mortality after hip fracture is higher in men than in women. Yet determination of bone mineral density is tested 4 times less in humans. Most osteoporosis drugs have only been studied in women and are

not currently prescribed for men. Osteoarthritis in Italy affects over 4 million people, with associated costs of over 6.5 billion euros. Men and women before the age of 50 suffer from it in similar percentages but, after the age of 60, women are progressively more at risk, until they suffer twice as much as men, with an increasing number of joints involved and an increasing severity of the damage with the age. Female gender is a risk factor for prosthetics and women have greater pain and functional disability with the same radiological degree. It is therefore important to focus research efforts on the study of gender solutions that allow to prevent/obstruct joint degeneration.

- **Psychiatric Illnesses** . Large population studies have generally confirmed the significantly higher prevalence (on average double) of major depression, dysthymia, generalized anxiety disorder, panic disorder, social phobia and specific phobias in the female gender, compared with significantly higher rates of antisocial personality and substance and alcohol use disorders in the male gender. The greater exposure of women to certain highly stressful life events and situations would contribute in a very significant way to the greater female risk of falling ill with certain disorders. The best example is given to exposure to violence, suffered in the course of life by an estimated percentage of women ranging from 16 to 50%; this, whether physical, sexual or psychological, is strongly correlated as a risk factor to pathologies typically more frequent in women, such as depression, post-traumatic stress disorder, dissociative disorders, suicide attempts, somatoform disorders (mental disorders characterized by the presence of physical reported by the patient, but without a medical basis). From a phenomenological point of view, it is well known that women with depression report more somatic symptoms than men, such as asthenia, appetite and sleep disturbances, while in schizophrenia, depressive symptoms and schizoaffective forms are more frequent in women (defined by the simultaneous presence of typical symptoms of schizophrenia and mood disorder) while in men apathy, lack of language, social isolation and cognitive deficits seem to be more frequent.
- **Respiratory diseases** . Gender differences in the respiratory area are in fact already present in the embryonic period. In the two sexes, the lung and the airways present significant differences in terms of embryonic development, anatomical and functional characteristics. Furthermore, some studies have shown both in Europe and in the USA a "feminization" of many pathologies that previously constituted a "male primacy". For example , both chronic obstructive pulmonary disease (COPD) and asthma have been recognized as pathologies with gender differences in terms of clinical manifestations, the presence of comorbidities, functional and radiological aspects, response to therapy. A fundamental role seems to be represented by risk factors, such as lifestyles and exposure to pollutants.
- **Autoimmune Diseases** . Rheumatic diseases in general, and autoimmune diseases in particular, have a very significant female predominance. Men contract bacterial and viral infections more easily because they have a less powerful immune system than women, but this aspect leads them to have fewer autoimmune diseases than women. On the other hand, if the man becomes ill, for example with Graves' disease or systemic lupus erythematosus, he has a worse prognosis. Therefore, any research effort must consider gender differences from both a preclinical (with models that mirror both sexes) and clinical (in terms of risk factors, treatment, and natural history) perspectives.
- **Dermatological diseases.** Even dermatological diseases recognize an important influence of this kind in many aspects, such as the quality of life and the experience of one's skin and, consequently, also the clinical-therapeutic approach can be influenced. Some gender peculiarities concern dermatological diseases of the allergic type, in particular contact dermatitis . Allergy to the black color of hair dye due to the p - phenylenediamine allergen mostly affects the female population as well as the better known nickel allergy. The female gender must also be considered in the context of the screening and follow-up of melanocytic lesions to avoid an " overtreatment " of clinically and dermatoscopically atypical lesions that can present to women in particular locations such as the buttocks and folds. Melasma is a

common pigmentation disorder that leads to facial hyperpigmentation in females. The multifactorial pathogenesis is due to stimulation by female sex hormones in subjects predisposed to photodamage.

- **Vaccines** . It is known that women develop more intense innate and acquired immune responses, both humoral and cell- mediated, than men. This is reflected in a different response to vaccines in the two sexes: significantly higher titres of protective antibodies are achieved in women in response to vaccines than in men. However, women experience adverse reactions to vaccines more often. In fact, the reports received by AIFA of adverse reactions for female subjects are about double those recorded for males; however, it must be taken into account that this datum is affected not only by the fact that the female population is more numerous than the male one, but also by a possible influence of biological, hormonal and genetic factors that are not yet completely defined, and by the greater attention that women have to one's state of health which therefore entails a greater aptitude for observing adverse drug reactions. Sex hormones, genetic and epigenetic factors and the different composition of the microbiota play a key role and can influence the immune responses and the vaccination outcome in men and women. Uncovering the mechanisms involved will help identify ways to reduce adverse reactions to vaccines in women and enhance the immune response in men.
- **Viral infections.** Viral infections present important differences in males and females as regards their prevalence, intensity, outcomes and pathogenetic mechanisms. These differences are partly justified by the different immune response in the two sexes (greater in the female), but other factors, for example linked to lifestyles or to the very characteristics of the pathogen, can play an important role. A paradigmatic example is represented by the HIV virus. Indeed , in HIV infection, gender differences can influence the risk of infection, disease progression and response to antiretroviral therapy. In fact, women are more susceptible to HIV infection than men and this susceptibility is certainly favored by a series of anatomical, biological and social factors. Furthermore, we must not forget the favorable role of other sexually transmitted infections and of hormonal contraceptives, often used instead of "barrier" contraceptives, such as the condom. The possibility of transmitting the infection horizontally (heterosexual) and vertically places HIV-positive women at the center of complex problems that require specific management and greater support than that provided to male patients. Gender can also play an important role in the immunoactivation process , influencing different clinical outcomes . There is, for example, a higher prevalence of myocardial infarction among HIV-positive women than HIV-negative women, but also compared to HIV-positive men. Increase the number of women in randomized clinical trials tested and controlled in order to understand the different metabolism and the specific mechanisms of toxicity, could help to identify a "personalized" therapy on the basis of the characteristics of the patient's sex.
- **Bacterial infections** . It has been demonstrated that many infectious diseases of bacterial origin are sexually dimorphic. Epidemiological studies have shown that males are more prone to developing most infectious diseases than females. These include *Pseudomonas aeruginosa* bacteraemia, some zoonoses, legionellosis and tuberculosis. Among patients with Q fever, a zoonosis from *Coxiella burnetii* , men are symptomatic more often than women, with a male:female ratio of 2.5. In over 70% of cases, *Legionella pneumophila* infection occurs in males. Tuberculosis is a global disease with increasing incidence in low- and middle-income countries, and meta-analyses have shown that the weighted prevalence of random effects per 100,000 individuals is approximately 2 times higher in men than in women. Furthermore, the site of infection, which influences the outcome, differs between men and women. Urinary tract infections are more common in women, while endocarditis and mediastinitis occur more frequently in men. It should be remembered that sex hormones play a role in the dimorphic clinical expression of acute infectious diseases, which may in part explain the difference in reported incidences of infectious diseases.

- **Metabolic diseases** . The body composition of men and women is very different. Women have a higher percentage of fat mass and men more muscle mass. Women are more likely to deposit subcutaneous and lower limb fat, while men are more likely to accumulate visceral fat. After menopause, the distribution of adipose tissue in women changes by increasing in the truncular region. Although men and women are both susceptible to obesity, the health consequences differ between genders. The link between mortality and body mass index is stronger in women than in men. Furthermore, with the same age and degree of overweight, the increase in visceral adipose tissue is more strongly associated with cardiometabolic risk markers (insulin resistance , dyslipidemia, metabolic syndrome) in women than in men, in which it is instead more harmful the increase in intramuscular fat. The subcutaneous adipose tissue of the lower limbs is protective against atherosclerosis in women and not in men because it probably represents an evolutionary consequence of the need to more efficiently accumulate energy in the adipose tissue of women involved in the reproductive process. Because of their greater propensity to be overweight and the fall in estrogens which positively influence glucose homeostasis, the prevalence of type 2 diabetes mellitus is higher among women than among men only after the age of 70. Diabetic women, compared to men, have a double risk of heart disease, an earlier incidence of myocardial infarction with higher mortality, an increased risk of heart failure, stroke and claudication . The influence of sex steroids on the different level of risk and grouping of risk factors in the two genders is still uncertain.

- **Oncology** . Many gender differences have been described in oncology , yet women still remain underrepresented in clinical trials in important areas such as gender-non-specific oncology where, for example, they make up just 38.8%. The efficacy of chemotherapy varies and the difference in the clinical characteristics of the tumors, with the same histology and stage, is sometimes observed, but not included in daily clinical attention and guidelines. Lung cancer mortality has increased by 500 percent in women since the 1950s and women develop lung cancer 2.5 times more often than men, even if they are non-smokers. The reasons for these differences are not yet known, which are not only linked to hormonal factors, but also genetic and metabolic ones, and research in this field is an absolute priority. The role of estrogen also appears to have a negative influence since some large cell tumors express estrogen receptors. Understanding the impact of hormonal factors on the development and progression of tumors could have important therapeutic implications, as has already happened for prostate and breast tumors. Colon cancer is the second leading cause of death in both sexes in Europe and the USA, but affects women 5 years later than men, usually in the ascending colon and in men in the descending colon, and also mortality in woman is 5 years delayed. For this reason, it would be more appropriate to extend screening to women over the age of 70. Melanoma is a neoplasm that can present a different localization in women and men (most frequently trunk in men and limbs in women) and sees a greater survival in women. Thyroid cancer is more common in women but has a worse prognosis in men. The reasons for these epidemiological differences are not known, but it has been proposed that hormones may play an important role. Gender differences are, obviously, at the basis of some exclusive (prostate and ovarian) or almost exclusive (breast) types of cancer of a single gender. Recently, epidemiological studies have also highlighted significant gender differences in the incidence, aggressiveness, progression, prognosis and response to therapy, including immunotherapy, in many types of tumors common to both sexes.

- **Pediatrics**. Belonging to a gender can condition the psycho-physical development of the person from the first years of life. Already from fetal life, gender differences influence the possibility of developing different anomalies. The risk of cesarean delivery or prematurity is more frequent in males. In the pediatric age some data show gender-related differences, for example for some infectious diseases in which the incidence is higher in males (bronchiolitis, osteomyelitis, meningococcal meningitis), while in females an immune response develops, both humoral and cellulose . -mediated, superior and prolonged which is protective against infections, but which exposes to a greater risk of developing autoimmune and inflammatory

diseases. Another clinical evidence in the pediatric age concerns the prevalence of autism spectrum disorders (DAS) which is greater in males; however, the diagnosis of DAS in females is associated with greater disease severity and lower IQ. Attention Deficit Hyperactivity Disorder (ADHD) also has a much higher incidence in males. Other examples of differences in pediatrics concern certain types of tumors (lymphomas and brain tumors more frequent in males) and metabolic pathologies (type I diabetes more frequent in females), respiratory (asthma more frequent in males) or autoimmune (pediatric lupus erythematosus much more common in girls).

- **Disorders of sexual development.** Disorders of Sex Development (DSD) deserve particular attention in the field of gender medicine. DSDs are defined as congenital conditions in which the development of chromosomal, gonadal, or anatomical sex is atypical. The wide phenotypic variability of these conditions ranges from minimal alterations to a picture of severe genital ambiguity. Developing a correct diagnosis is a complex objective, but necessary for the correct management of patients, both for medical problems, since some conditions put the patient's life at risk (for example, congenital adrenal hyperplasia), and for psychological impact that this condition has on the affection and family in the short and long term. DSDs constitute a challenge for the correct application of gender medicine, but they also represent an important opportunity for understanding the processes that determine sexual and gender identity.

In the 1980s, the first reference for orientation towards gender -oriented health care policies was given by the UN with a convention aimed at eliminating all forms of discrimination against women. With the Convention on the elimination of all forms of discrimination against women (**CEDAW**) adopted in 1979 by the General Assembly of the United Nations - International treaty on women's rights, entered into force on 3 September 1981 - the Member States, in fact, are urged to take "appropriate measures to eliminate discrimination against women in the field of health care". Subsequently, **the World Health Organization (WHO), the European Community (EC), the European Medicines Agency (EMA), the European Agency for Safety and Health at Work (OSHA), the National Institutes of Health (NIH) in the USA**, intervene with specific actions aimed at:

- recognize gender as a fundamental determinant of health,
- eliminate gender inequalities in health care
- provide information on the drug/medical device interface and gender differences,
- reduce work-related risks on women's health,
- ensure, in clinical trials of drugs and medical devices, an equal representation of women, still classified as a "demographic subgroup".

In particular, **the WHO in 2009** established a department dedicated to women's health and attentive to gender differences.

Subsequently, the WHO identifies "gender" as an essential theme of health planning (Action Plan 2014-19).

In 2017, a group of experts from the WHO Regional Office for Europe met in Copenhagen to develop the first strategy.

It is hoped that such activities can stimulate the development of specific national health policies for women and men.

In accordance with international policies on gender medicine, the EC intervenes with the publication of the document. *The state of health of European women* (1997), which explores the issue of specific health indicators for women.

Two institutes are also founded: **the European Institute of Women's Health (2007) and the European Institute for Gender Equity (2011),**

The EC also takes care of the 2011 Report on the state of health of men in Europe, helping to

highlight the great health disparities between men of different nations and subsequently, with the launch of the "Europe 2020" programme, focuses attention the importance of gender equality in social progress.

Institutes, research and the Report contribute to affirming how gender is a fundamental variable of health and disease and, in 2011, work began to outline guidelines for integrating the gender dimension into the 2018-2020 Framework Programme.

In Italy, attention to gender medicine is manifested for the first time in 1998 when the Ministries for Equal Opportunities and Health launch the project "A health tailored to women". drugs for women" work table was set up at the Ministry of Health , which was attended by the Istituto Superiore di Sanità (**ISS**), the Italian Medicines Agency (**AIFA**), the Agency for Regional Health Services (**ASSR**) and the Italian Society of Pharmacology (**SIF**), coordinated by Undersecretary Elisabetta Alberti Casellati.

In 2007 the then Minister of Health Livia Turco established the Commission on Women's Health which published the report State of women's health in Italy, in which it is recommended to collect gender data on health, define specific training courses at university level and for NHS operators and to promote research programs from a gender perspective.

Ministry of Health and AIFA funded research projects in the field of gender medicine.

The National Institute of Statistics (ISTAT) recently introduced the so-called "sex stratification" as a methodological tool for the analysis of epidemiological data in order to identify different characteristics according to specific gender indicators. In 2005, the National Women's Health Observatory (ONDA) was born in Milan, which it subsequently added to its denomination "and gender" and became a Foundation.

The objective of the Foundation is to promote a culture of gender health at the level of:

- institutional, health care,
- scientific-academic and social

and to guarantee women the right to health according to principles of fairness and equal opportunities. Since 2011, the ISS has paid attention to gender medicine by activating **the Degenerative Diseases, Aging and Gender Medicine** Department within the Department of Medicines. Since 2017, the Reference Center for Gender Medicine has been established, which carries out biomedical research, training and communication activities, as well as institutional activities from a gender perspective. The Reference Center for Gender Medicine of the ISS, with the association National Study Center on Health and Gender Medicine create the Italian Network for Gender Medicine with the aim of developing scientific research, promoting the training of doctors and health professionals and information for the population.

Since 2015, the entities making up the network have founded The Italian Journal of Gender- Specific Medicine, a tool of fundamental importance in the dissemination of gender research and culture. The ISS also has an active scientific collaboration agreement with the University of Ferrara, with particular interest for the University Center for Studies on Gender Medicine.

The concept of gender medicine has also been implemented by some Italian Regions through its inclusion in the Regional Social-Health Plan, the establishment of technical tables and regional centres, the attribution of gender objectives to the General Managers of the healthcare companies, the organization of training and refresher courses for healthcare professionals.

The issue of gender medicine was mentioned for the first time in 2011 by the "Omnibus" decree-law and in the same year the parliamentary intergroup "Supporters of gender medicine" was established. the joint motion on gender medicine was approved in the Chamber of Deputies .

But it is in 2018, with Law 3/2018 that for the first time in Italy the inclusion of the "gender" parameter in medicine is guaranteed, which will thus be able to consider this determinant both in the clinical trials of drugs and in the definition of diagnostic pathways - therapeutic and educational for students and health professionals.

On 21 June 2019, the Plan for the application and dissemination of Gender Medicine of 6 May 2019 prepared by the Ministry of Health was published, with the support of the Reference Center for Gender Medicine of the Istituto Superiore di Sanità and with the collaboration with a national technical-scientific table of regional experts in Gender Medicine and the representatives for Gender Medicine of the network of Scientific Hospitalization and Treatment Institutes (IRCCS)

The plan is aimed at giving a coordinated direction for the diffusion of Gender Medicine through dissemination, training and indication of health practices, which, in research, prevention, diagnosis and treatment, take into account the differences deriving from gender, in order to guarantee the quality and appropriateness of the services provided by the National Health Service in a homogeneous way on the national territory.

General and specific objectives of the Plan

In line with these principles, the Plan is divided into four areas for each of which the general objectives and specific objectives are defined

A. Clinical pathways (prevention, diagnosis, treatment and rehabilitation)

General objective: to guarantee prevention, diagnosis and treatment for every person with an approach that takes into account gender differences, in all stages of life and in all living and working environments.

Specific goals

A.1. Obtain a complete picture from a structural, organizational and resource (human, instrumental, services) point of view of gender medicine in Italy.

A.2. Promote, on the basis of epidemiological data, the prevention and early diagnosis of pathologies in a gender perspective.

A.3. Develop innovative solutions for access to services, also by making the most of the experiences already present on the national territory, implementing processes for taking charge of the person from a gender perspective, in order to promote greater appropriateness and personalization of prevention, diagnosis, treatment and rehabilitation.

A.4 . Promote actions aimed at applying a gender approach to health policies on the territory and on safety in the workplace .

B. Research and innovation General objective: promotion and support of biomedical, pharmacological and psycho-social research based on gender differences and transfer of innovations into clinical practice.

Specific goals

B.1. Identify and implement the theme of gender medicine as a priority area in the context of regional, national and, where possible, international research calls.

B.2. Develop basic biomedical, pre -clinical and clinical, pharmacological and psycho-social research on gender medicine.

B.3. Transfer to the NHS, in the preventive, diagnostic, therapeutic and organizational fields, the innovations resulting from biomedical, pharmacological and psycho-social research on gender medicine.

C. Training and professional updating General objective: to ensure adequate levels of training and updating of all medical and healthcare personnel in the field of gender medicine

Specific goals

C.1. Build, validate and use tools dedicated to training in gender medicine, which are effective and replicable.

C.2. Promote awareness of gender differences in the health sector in order to transfer the acquired

knowledge and skills into professional activities.

D. Communication and information General objective: to promote knowledge of gender medicine among all healthcare professionals and the general population, involving the world of journalism and the media.

Specific goals

D.1. Identify tools dedicated to the transfer of communication contents to the reference targets.

D.2 . Inform and sensitize professionals.

health professionals and researchers on the importance of a gender approach in every sector of medicine.

D.3 . Inform and sensitize the general population and patients on gender medicine, through communication campaigns and initiatives with the involvement of journalism and the media.

The priority actions, the actors involved and the useful indicators for their monitoring are defined within the Plan for each specific objective.

A very important specification within the Plan is the need for governance that ensures effective coordination of actions at national, regional and local level.

To this end, for the application of this Plan, the following actions are recommended at the regional level:

1. Identify a regional contact person in gender medicine. The Coordinator will have to promote and coordinate the activities undertaken at the regional level, be responsible for the implementation and monitoring of the Plan and take action in the implementation of the documents issued at the national level. The Regional Coordinator participates in national technical tables and in the preparation of strategic guidelines and national implementation documents.
2. Establish a regional technical group for the planning of gender medicine dissemination activities, coordinated by the aforementioned regional contact person. The experience in gender medicine of the members of the Technical Group can be ascertained. The group will have to annually draw up a summary document of the activities carried out containing process and outcome indicators.
3. Identify the methods for implementing the actions envisaged by the Plan at the regional level, also through the definition of guidelines and strategic objectives for the General Managements.
4. Create a network system for the promotion and development of gender health and medicine throughout the region.
5. Define indicators stratified by gender to be included in the collection and processing of information flows and in the formulation of health budgets.
6. Activate an area dedicated to gender medicine supervised by the regional technical table on the regional website.
7. Promote the definition of objectives for healthcare companies and IRCCS which envisage: { definition of gender-specific objectives for the General Managers; { definition of interventions in the context of humanization paths that contemplate gender specificity; { establishment of a coordination group for gender medicine with a corporate value with the participation of a gender medicine expert (as outlined above). The group will have to draw up an annual summary report on gender-oriented activities containing process and outcome;{ inclusion of a gender medicine expert in company scientific committees, health boards, ethics committees, hospital therapeutic handbooks, commissions;{ activation of a gender medicine section on the company website.

2.3 Discrimination of persons with disabilities

The Convention of the United Nations rights of the people with disabilities , December 2006, commits the States States to recognize the right of the persons with disabilities , **to " Promote , protect and ensure full and equal enjoyment of all rights humans and all freedoms _ fundamentals aside _ of the people with disabilities , and to promote respect for them intrinsic dignity "**. [...]

"Respect for dignity intrinsic autonomy _ individual , including the freedom to make one 's own choices , and independence of the people ; non- discrimination ; full and effective _ participation and inclusion in company ; respect for difference and acceptance of the people with disabilities as part of the diversity human and of humanity itself ; equal opportunities ; _ _ accessibility ; _ parity _ between men and women ; respect for development of the capacity of the minors with disabilities and respect for the law of the minors with disabilities to preserve their identity ";

to " Raising awareness in society in the his together , even at the level familiar , on situation of the people with disabilities ; increase respect for rights and dignity of the people with disabilities ; fight the stereotypes , i prejudices and practices harmful relating to persons with disabilities , including those founded on gender and age , in all scopes ; promote awareness _ of the capacity and i contributions of the people with disabilities " [...] to live independently and be included in society , to the recognition of the right to education , work and participation to cultural and recreational life ,

The UN Convention on the rights of children and adolescents, ratified by the Italian Parliament with Law no. 176 of 1991, provides in art. 23, co. 3, that "minors with disabilities have actually access to education , to training [...] and can benefit from these services in a manner suitable to realize the most complete integration social and their development personal , too in scope cultural and spiritual ", by virtue of the law to education to they recognized to the art . 28;

In Italy , the L. 104/1992 " Framework law for assistance , integration social and i rights of the people handicapped ." GU February 17, 1992, n. 39 (the text to be consulted is that effective after the last changes introduced from the Law 8 March 2000, n. 53 and by the decree legislative March 26 , 2001, n. 151).

In particular :

At the art . 1 is arranged :

The Republic:

- a) guarantees full compliance with the dignity human and i rights of freedom and autonomy of the handicapped person and promotes full integration in family , in school , in work and in company .
- b) prevents and removes conditions disabling that prevent development _ of the human person , the attainment of the maximum autonomy possible and participation of the handicapped person to the life of community , as well as the realization of the rights civil , political and patrimonial .
- c) pursue recovery functional and social of the person with disabilities physical , psychic and sensory and ensures the services and benefits for prevention , treatment and rehabilitation of the minorities , as well as legal and economic protection of the handicapped person .
- d) prepares interventions to overcome states of marginalization and exclusion social of the handicapped person .

Article 12 “ Right to education and instruction ” comes enshrined that the inclusion education has development as its goal of the potential of the person differently skilled in all its manifestations : learning , communication , relationship , socialization to which yes they add autonomy and communication personal

Article 13 provides for integration school of the disabled person in sections and in classes common of the schools of each order and rank and in university yes accomplish , without prejudice how much planned give her read 11 May 1976, n. 360, and 4 August 1977, no. 517, and subsequent

modifications , too through : a) programming coordinated of the services school with those health , social welfare , cultural , recreational , sporting and other activities on territory managed by institutions public or private . For that purpose the entities local , the organs schools and units sanitary premises , within the scope of the respective skills , they stipulate the program agreements referred to in article 27 of the law 8 June 1990, n. 142..... Such program agreements _ I am finalized at the preparation , implementation and verification project joint _ educational , rehabilitation and socialization individualized , as well as forms of integration between activities school and supplementary extracurricular activities . Over chords I am likewise foreseen the requirements that they have to to be possessed give it entities public and private purposes _ of the participation in coordinated collaborative activities .

The law to education is guaranteed **by art . 14** of the Charter of rights fundamental of the Union European Union of 2000 which emphasizes centrality _ of the person, the right of each individual to education and training professional as well recognize and respect the law of the people with disabilities to benefit from measures intended to guarantee autonomy , inclusion social and professional and participation to the life of community .

Social Charter European revised (ETS No. 163), open at the signed on May 3 , 1996 and ratified from Italy on July 5 , 1999, he states in particular the following:

Article 15 – Law of the people disabled people to autonomy , to integration social and to participation to the life of community

“To guarantee the people handicapped the effective exercise of the right to autonomy , to integration social and to participation to the life of community , regardless by age and by nature and origin of the They infirmity ,

the Parties yes undertake in particular :

to adopt the measures needed to administer to people disabled or handicapped an orientation , an education and a training professional in the framework of law common every sometimes that is is possible or , if that is not the case , through institutions specialized public or private (..) to favor their complete integration and participation to social life by measures , including the principals technicians , aimed at overcoming the obstacles at the communication and to mobility and to allow them to have access to transport , housing , activities culture and leisure

The Recommendation Rec (2006) 5 of the Committee of the Ministers garlic States members on the Council 's Action Plan of Europe for promotion of the rights and of full participation of the people with disabilities : improve the quality of life of people with disabilities in Europe 2006-2015, adopted on 5 April 2006, provides several lines of action , among which the fourth is like this formulated : Line of action n. 4:

Education « 3.4.1. Introduction . Education represents a factor fundamental to the ends of the insertion social security and independence for all people , including those with disabilities . The flu social , for example coming from families and friends, contributes also , but for the purposes of this line of action education will have to cover up all phases _ of life, including education preschool , elementary , middle, high and education professional as well the learning that lasts a lifetime . Creating opportunities for i _ _ disabled that allow their participation _ to education traditional is not only important for i disabled , but will benefit from it also understanding _ of the diversity human aside _ of the non - disabled . Most _ part of the education systems _ provide access to education traditional and structured school specialized for i disabled , where indicated . It should encourage the combination of structures traditional and specialized , in order to support the disabled in community local , but this should to be coherent to the full target insertion (...)

Ensure that all people , regardless _ by the nature and degree of disability , they have equal access to education and develop their personalities , talents , creativity and their own capacity intellectual and physical at best .

ensure that the disabled have the opportunity to look for a place in education traditional encouraging the authorities competent to formulate education measures _ _ _ that meet the needs of the population disabled :

- support and promote the learning that hard all life for i disabled people of all ages and facilitate steps effective and efficient between each phase of the They education and between education and work ;
- promote to all levels of the education system , even in all children from early childhood , an attitude of respect for the rights of the people with disabilities .

Actions specs aside _ of the States members

- To promote legislation , policies and planning aimed at preventing discrimination against children, young people and adults with disabilities in accessing all stages _ of the They education , from early childhood at the phase adult . In doing so , consult – if necessary – with i users , i parents and children assistants home care , organizations volunteers and others authority competent .
- encourage and support the development of an education system unified , that include the provision of education traditional and specialized , which promote the sharing of skills and a major insertion of children, gods youth and gods adults disabled in community .
- allow preventive _ right assessment of the need education specials _ _ _ of children, gods youth and gods adults disabled , in order to give shape to the supply and to planning in the sector of education .
- to monitor the implementation of the singles plans in education and facilitate an approach _ _ coordinated at the supply of education during and towards employment .
- ensure that people with disabilities , including _ children receive support _ _ required , within the education system _ traditional , in order to facilitate the presence of an education effective . In cases exceptional , where their _ need education specials _ _ _ evaluate professionally they are not _ satisfied within the education system _ traditional , the States members will ensure the presence of effective alternative support measures consistent with the full target _ insertion .

The provision of education , either special that traditional , it should encourage the transition to education traditional and reflect the themselves objectives and criteria :

- encourage the development of one training starting and continuing for all professionals and staff that operate in all stages _ of education , in order to embed awareness of the disability and use of the techniques and gods materials suitable for support , where indicated , of the schoolchildren and _ students disabled .
- ensure that all materials and _ _ education schemes _ _ _ provided through the education system _ general they are accessible to people with disabilities .
- include , in programs education schools _ civics , themes relating to persons with disabilities considered to be persons with themselves rights of the others .
- ensure that awareness _ on the disability is an element key of the programs didactic in schools and in institutions traditional .
- to take steps to make the places of education and training accessible to people with disabilities , providing support staff and arrangements needed (including equipment) to meet their needs necessity .
- ensure that the parents of disabled children are active partners in the development process

of the plans didactic customized of the They sons .

- guarantee access to non - formal education that allow young people disabled to develop skills requests otherwise unreachable through education formal .

(...))»

30. **The Assembly Member of the Council of Europe** , aside his , he faced these themes in her Recommendation 1185 (1992) on rehabilitation policies for i _ people with disabilities, adopted on 7 May 1992.

This text especially emphasizes _ that « ours society they have a duty to adapt theirs specification standards _ needs of the people with disabilities to ensure these _ latest independent life " . To this end, i governments and authorities competent I am called to «research and encourage a participation effective and active of the people with disabilities to community and social life " and, to this end, to ensure " the elimination of the barriers architectural " .

2. 31. On January 30 , 2015 , the **Assembly** adopted **Recommendation 2064 (2015)** , entitled « Equality and inclusion of the people with disabilities ' , which contains the following steps :
 «1. The Assembly MP refers _ at the her Resolution 2039 (2015) « Equality and inclusion of the people with disabilities " .
3. The Assembly MP welcomes the contribution of the Council Action Plan _ of Europe «for the promotion of the rights and of full participation of the people with disabilities in society : improve the quality of life of people with disabilities in Europe 2006-2015» allo policy development _ national that hold I count of the rights of the people with disabilities . The Action Plan also has helped change perceptions _ _ of the disability in one question relevant to i rights humans .
4. The Assembly notes , however , that the full enjoyment of the rights of the people with disabilities is far from reached up in States Council members _ of Europe . A gap remains significant between the principles content in instruments international and reality lived daily basis give her people with disabilities . Remains so necessary an action resolution of the Council of Europe and the States members in the field of disability . Consequently , the Assembly recommended to the Committee of the Ministers :

4.1 . to evaluate the implementation of the action plan for people with disabilities 2006-2015 and draw teachings come on ten years of her implementation in States members ;

4.2. to define on this base one new roadmap for 2016-2020 , in close consultation with organisations representative of the people with disabilities ;

4.3 . to concentrate this new roadmap up _ of the issues priorities , such as capacity legal of the people with disabilities and the measures aimed at guaranteeing them dignity and theirs full inclusion in company ;

4.4. to invite the Development Bank Council of Europe to to insist on respect for accessibility requirements _ in concession of the loans for construction and rehabilitation projects ; and not to finance large construction structures intended for the placement of people with disabilities ;

4.5 . to insure that disability _ be taken into consideration in the various activities sectoral carried out by the Council of Europe , in particular in activities and in Council campaigns _ of Europe against violence . _

In Italy the principle dictated in article 34 of the Constitution becomes substantial in 1992 with the Law of 5 February 1992, n. 104 " Framework law for assistance , integration social and i rights of the people handicapped ." GU 17 February 1992, n. 39 (the text to be consulted is that effective after the last changes introduced from the Law 8 March 2000, n. 53 and by the decree legislative March 26 , 2001, n. 151).

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- c) pursue recovery _ functional and social of the person with disabilities physical , psychic and sensory and ensures the services and benefits for prevention , treatment and rehabilitation of the minorities , as well as legal and economic protection of the handicapped person .
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Since 2013 the Ministry of Labor has started a experimentation to create a model homogeneous in all 20 Regions in this regard to independent living of the people with disabilities to ensure equality and inclusion .

The goal is to apply in a concrete way **article 19** of the UN Convention , related to independent living and inclusion in society , sharing criteria , requirements , indicators by Regions and bodies _ _ local .

The first proposed action is to counter isolation , segregation of the people with disabilities .

The subjects promoters they are the Ministry of Labor and Policies Social and the Conference State Regions . The subjects collaborators I am **OND, ANCI, ISTAT** , the Organizations of the people with disabilities and others of the Third Sector and the Ministry of Health.

Program action plan for promotion of the rights and integration of the people with disabilities :

- Recognition of the disability status , assessment _ multidimensional aimed at supporting the system of access to services and benefits and planning personalized
- Health, right to life, habilitation and rehabilitation

- Inclusion education and processes training courses of which (104/1992 is one of the first sources)
- Work and occupation
- Promotion and implementation of the principles of accessibility and mobility
- Cooperation international and projection international of the policies on the disability
- System development _ statistics and monitoring of the implementation of the policies

The support structure of which yes avails the Minister for promotion and coordination of Government action in the field of disability is the Office for policies in favour of the persons with disabilities whose functions and competences are :

Cure the fulfillments necessary for the realisation of the interventions connected to implementation of the policies aimed at guaranteeing the protection and promotion of the rights of the people with disabilities and to promote theirs full and effective participation and inclusion social , as well as their own autonomy , in line with the Convention of the United Nations rights of the people with disabilities and the Charter of rights fundamental of the Union European .

The office carries out the activities inquiries connected to adoption of the deeds , too normative , of competence in matter of disability .

Treatment the activity investigation for the purpose of the promotion of agreements in the Conference _ unified pursuant to article **8** of the decree legislative August 28 1997, n. 281, aimed at developing coordinated governance _ between the different levels of government of the performance and gods socio- medical and educational services in favour of the people with disabilities .

Insure information and communication activities _ institutional in matters within its competence , ibid including disclosure _ of the positive actions and best practices . Guarantees government representation _ _ in organisms national , European and international competent in the field of disabilities and provides the necessary support to authority politics in the exercise of the same functions .

In collaboration with **ISTAT and INPS** , it **promotes** collection activities of the data concerning persons with disabilities . _

Treatment the investigation of the instances inherent questions or reports on the condition of disability . Promotes and coordinates study , research in scope of the favorable policies _ of the people with disabilities .

Prepares the opinions on the sponsorship request _ at the Presidency of the Council of the Ministers on Disability . _ _

Promotes a constant comparison with federations and associations more disability representatives

· _ _ _ _

In March 2021 the Commission European Union has adopted the strategy for i rights of the people with disabilities **2021-2030** .

With this strategy the Commission for ten years European means improve the life of people disabled people in Europe and in the world.

The strategy yes based on results of the previous one strategy European on the disability 2010-2020 , which paved the way towards a Europe without barriers and towards empowerment of the people with disabilities , so that they can to enjoy of the They rights and participate completely at the society and the economy . Despite the progress accomplished in the last decade , people with disabilities they face still remarkable obstacles and present a major risk of poverty and exclusion social .

The target of the new strategy is to accomplish progress to ensure that all people with disabilities in Europe , regardless of gender , race or origin ethnicity , religion or beliefs personalities , age or orientation sexual , they can :

- to enjoy of the They rights humans

- to have even opportunities and equal access to society and the economy
- being able to decide where, how and with whom to live
- circular freely in the EU independently give her They assistance needs _
- don't be more victims of discrimination .

This new one strategy strengthened holds I count of the different disabilities , including minorities physical , mental , intellectual or sensory for a long time deadline (in line with Article 1 of the Convention of the United Nations rights of the people with disabilities) , often invisible .

Take into account of the risks of the downside multiple faced by women , children, the elderly, refugees with disabilities and people with difficulties socioeconomic factors , and promotes a prospect intersectoral in line with the **2030 Agenda** of the United Nations for development sustainable and the development goals _ sustainable (**OSS**).

The new one strategy predicts therefore a series ambitious of actions and initiatives in various sectors and has numerous priorities , including :

accessibility : the possibility of moving and staying freely , but also to participate in the process democratic

a decent quality of life and the possibility of living independently , since yes focus in particular on the deinstitutionalization , on protection society and on non - discrimination on workplace _ _ equal participation , as _ _ aims to protect effectively people with disabilities from any form of discrimination and violence , to ensure even opportunities and access for how much it concerns justice , education , culture , sport and tourism, but also equal access to all services sanitary .

The role of the EU in leading by example

the intention of the EU to do the strategy a reality concrete

the promotion of the rights of the people with disabilities at the level worldwide .

Main initiatives

- AccessibleEU : a database with information and coupons _ accessibility practices in all _ _ _ sectors (by the end of 2022)
- European card of the disability : will come proposal from the Commission European and will be valid in all villages of the EU . The card will allow people disabled to get more easily a prop adequate when they travel or yes they transfer to another country of the Union European Union (by the end of 2023).
- Guidelines with recommendations garlic States members on how to improve independent living and inclusion in community of the people disabled , allowing them to choose whether to live in lodgings accessible and assisted or continue to live in their own homes (2023).
- A framework for i services social excellence _ intended for people with disabilities (2024)
- A package to improve the insertion of the people with disabilities in the labor market (to be launched in the second half of 2022)
- Platform on the disability : brings together the authorities national in charge to implementation of the Convention , organizations of the people with disabilities and the Commission . argues the implementation of the strategize and strengthen collaboration and _ _ exchanges for this purpose.
- New resource strategy _ human of the Commission European , including actions aimed at promoting diversity and inclusion of the people with disabilities .
- MODELS of behavior in relation social assistance .

Conclusions

In a working context in which the service is of a health and/or social health nature, in the social complexity in which "old" discriminations have been joined by "new" ones as well, the proposed training course is oriented towards the objective of socializing future operators on the issue of anti-discrimination legislation, on community, international and national plans and strategies in order to raise awareness of the phenomenon of discrimination.

From the point of view of a "recent" figure who has entered the area of social and health professions and is included in individual care plans, the issue addressed from a regulatory point of view and strategic plans to stem discrimination can represent a space for reflection for a figure professional to date of support to the organization and above all of development to the organization,

Furthermore, the awareness that discrimination in all its forms and expressions is a violation of human rights, often not questioned and not de-constructed in behavior patterns and interactions can, through good practices and active communication, offer a support in outlining a fundamental ethical principle at the basis of the social and health care relationship: the orientation towards social justice.

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