WOMEN'S FREEDOM AND SELF-DETERMINATION

By Valeria Casciello

Focus

Individual self-determination is one of the main cultural and political achievements of modern times. It is strictly connected with the freedom of the individual and is enshrined today in all the Charters of Rights of constitutional states as well as in the supranational Charters setting out the fundamental rights of individuals. The main implication of individual self-determination is accountability, which entails – not only legally speaking - that individuals are accountable for the consequences of their own choices and actions.

Focusing on facts and the juridical framework necessarily influencing them, one can appreciate that freedom, self-determination and accountability are not features that always apply to the same degree to all individuals. In particular, to be a woman seems to be a circumstance that greatly influences – by limiting it - the right to self-determine one's own choices.

The innumerable facts of violence involving women as victims stress one of the most important differences between man and woman: physical force. However, it is not the only one. There is also the maternal role, the generating power characteristic of the female gender. These aspects significantly affect woman's status, in the sense that, more than any other individual and precisely by virtue of her unique characteristics, she is subject to protective rules and not only. In short, women's freedom and self-determination are influenced and limited, under certain respects, by a multifarious framework of domestic and international legislation: on the one hand, there is the legislation that regulates woman's body by including it in the public sphere; on the other hand, there is the legislation that

deals with woman as an actual or potential victim of various forms of violence.

The Female Body and the Law

Historically, habeas corpus has represented an important instrument for ensuring individual freedom. Essentially, it consists in the prohibition against any arbitrary interferences by the State with the personal sphere of individuals. Therefore, it also refers to the sovereign right of any individual on their own body. This principle is the basis of Articles 13 and 32 of our Constitution, which guarantee personal freedom and the prohibition against mandatory health treatment except as provided for by law, respectively – with the additional caveat that «The law may not under any circumstances violate the limits imposed by respect for the human person».

However, not all bodies are the same. Law 194/1978, regulating abortion, and Law 40/2004, concerning medically assisted reproduction, would appear to imply that woman's body, unlike the male body, is no longer part of one's private and personal sphere as it becomes a feature of the public sphere – of the law.

The lively debate resumed in recent months on abortion and the criticalities in the implementation of the relevant legislation, i.e. the high number of physicians who are conscientious objectors in public hospitals and the limited possibility of resorting to pharmacological abortion, highlight the delicate relationship between the law and self-determination in the choices concerning the most intimate sphere of a woman and her body - i.e. that of motherhood.

Similarly, the attention paid by the most recent national and supranational judicial decisions to Law 40/2004 – insofar as it does not permit access to medically assisted reproduction techniques by fertile couples suffering from genetically transmissible diseases and prohibits heterologous fertilization - highlighted the limitations and inconsistencies of that Law

precisely in relation to the principles making up the right of habeas corpus .

Violence against women

In the past year, the tragic events reported in the news prominently put woman at the centre of the public debate as a victim of violence. Often the perpetrator was the woman's husband, partner or, anyhow, a family member. Probably never before as in recent months was public opinion confronted with violence against women and terms as "femicide" have become part of everyone's vocabulary partly thanks to the attention paid by the media to the phenomenon.

The ratification of Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (better known as Istanbul Convention) and Decree-law 93/2013, converted into Law 119 of 15 October 2013, which introduced new measures for combating the phenomenon, are just the last steps in a journey that lasted about 20 years, during which ad hoc rules against gender violence have been promulgated and in particular against rape and the so-called stalking.

All these measures are certainly major achievements, however they should get us to reflect on the risk that women and their freedom are taken into account only to the extent they are, all too often, victims.

Discriminations and violence

28 August 2012 Strasbourg. Artificial insemination: the European Court of the Human Rights, seized directly by a couple of Italian citizens, established that Italy had violated Article 8 of the European Convention on Human Rights because Law 40/2004 does not authorise the use of medically assisted procreation techniques, finalised to preimplantation genetic diagnosis, by fertile couples;

23 October 2012 Rome. Abortion: the "Associazione Luca Coscioni" and AIED – Italian Association for Demographic Education – filed a complaint with the Prosecutor's Office in Rome concerning the alleged violation of Law 194/78 in Latium , because in said region 12 hospitals out of 31 do not provide abortion services because 91% of the gynaecologists are conscientious objectors, according to the data collected by LAIGA (Free Italian Association of Gynaecologists for the Enforcement of Law 194).

25 January 2013 Rome. Abortion: It is reported (by Ansa) that Cgil (Italian General Confederation of Labour) filed a complaint with the Council of Europe's European Committee for Social Rights against the difference of treatment as to wages and career of gynaecologists who are not conscientious objectors; in its complaint, CGIL also illustrated its opinion on Law 194. CGIL pointed out that the law – as formulated – cannot ensure that women are afforded access to abortion facilities also due to the high number of physicians who are conscientious objectors.

4 March 2013 Rome Violence against women: the "Telefono Rosa" (women's helpline) disclosed data concerning violence against women as reported to the voluntaries working for the association in 2012 and processed by Swg. Data confirm that violence almost always breaks out at home, within a sentimental or emotional relationship (84%). The perpetrator is the husband (48%), the cohabitant partner (12%) or the former husband or partner (23%); it is a man between 35 and 54 years (61%), employed (21%), educated (46% hold a higher secondary school diploma and 19% a university degree), who is neither a drug addict nor an alcoholic. (63%). The victims are women aged between 35 and 54 years, holding higher secondary school certificates (53%) or university degree (22%); they are employed (20%), unemployed (19%) or housewives (16%), with children (82%). The violent act is never isolated but constant and continuous (81%) and does not end when the relationship is over but continues also afterwards, often with a persecutory intent (stalking). Physical violence increases from 18% to 22%, but is always accompanied

by psychological violence, threats and economic violence. The percentage of women admitting their weakness has made them endure the situation for years increases from 13% to 18%, while a smaller percentage of women are convinced that they could tolerate violence for the sake of l11% love (from 14 to 11%). Eighty-two per cent of the victims said to have children who witnessed the violence, a rise by 7% compared to the previous year. It is ‘’witnessed violence’’ and, the association warns that it is a widely underestimated phenomenon: without appropriate help, minors may enter adulthood with a load of behavioural and psychological problems possibly resulting into the development of dissociative and personality disorders.

29 March 2013 Milan. Medically assisted reproduction: the Court of Milan (order filed on 9 April) and the Court of Florence raised an issue of constitutional legitimacy concerning the ban on heterologous fertilization imposed by law 40/2004;

2 April 2013 Rome. Abortion: The Court of Cassation upheld the conviction to one year’s imprisonment and disqualification from medical practice on account of failure to discharge one’s official tasks as issued with regard to a physician of a hospital in Pordenone who had refused to provide care to a patient who had undergone an abortion.

3 April 2013 Cagliari. Genital mutilations: the Court of Cagliari considered that to have suffered genital mutilations, considering the severity of the violence implied, is a prerequisite for the granting of refugee status pursuant to Article 2, section e) of Legislative decree 251/07;

13 April 2013 Catania. Medically assisted reproduction: the Court of Catania raised an issue of constitutional legitimacy on account of the absolute ban on heterologous fertilization provided for in Law 40 of 2004, alleging the violation of Articles 2, 3, 31 and 32 (paragraphs 1 and 2) of the Constitution;

16 April 2013. Pesaro. Violence against women: Lucia Annibali, a lawyer from Pesaro, had sulphuric acid thrown on her face by two individuals; their instigator was her former boyfriend; earlier, the man had entered in the woman's home for damaging the gas system in order to cause an explosion. Lucia Annibali became the symbol of the fight against violence on women when, 7 months later, on 25 November 2013, on the occasion of the International Day for the Elimination of Violence against Women, President Giorgio Napolitano appointed her as Knight of the Order of Merit of the Italian Republic. The honour was conferred "for her courage, determination and dignity with which she reacted to the serious physical consequences of the vile attack suffered».

12 May 2013 Rome. Abortion: the "Marcia Pro-Vita" (March for life) and against abortion took place in Rome.

18 June 2013 Rome. Medically assisted reproduction: A study carried out by ESHRE (European Society of Human Reproduction and Embryology) and Sismer (Società Italiana di studi di Medicina della Riproduzione – Italian Society of Reproductive Medicine Studies) shows that every year at least ten thousand Italian couples go to other European countries to undergo assisted reproduction interventions spending an average of 8,700 Euro. Their number that has increased exponentially since 2004. Of these prospective parents, 40% could be followed by public or private Italian structures; nevertheless, they prefer to go abroad relying on laws considered more open-minded.

The population consists of heterosexual married couples (82%) or couples living together permanently (18%); women's average age is 37 years and 68% are less than 41;

20 June 2013 Violence against women: the World Health Organization (WHO) denounced that violence against women is a health global problem of epidemic proportions. Bodily violence or rape affect more than one-third of women in the world (35%) and domestic violence inflicted by the partner is the most common form, so much so that when a woman is killed, in one case out of three the killer is a cohabitant partner. The study evaluates that in Africa the prevalence rate is 45.6%, in the Americas 36.1% , in the Eastern Mediterranean area 36.4% , in Europe (Russia and Central Asia included) 27.2%, in South-East Asia 40.2%, in the Western Pacific are 27.9%. In high-income countries it is 32.7%.

13 July 2013 Rome. Abortion: a 17-year-old Roma girl risked her life in Rome due to an illegal pharmacological abortion: a Roma couple were arrested because they practiced illegal abortions including by administering a drug commonly used to treat ulcers.

22 July 2013 Female Genital Mutilations: Unicef (United Nations Children's Fund) published its latest report on female genital mutilations, according to which there are more than 125 million girls and women that are victims of female genital mutilations in the world; it is expected that 30 million little girls may be exposed to this practice in the next ten years. The report was based on the surveys carried out over a period of twenty years in 29 countries across Africa and the Middle East.

11 September 2013. Padua. Abortion: The association "Pensiero

Celeste" of Padua, supported by the "Moderati in Rivoluzione", filed with the Court of Cassation a citizens' initiative bill calling for the establishment of a registry for stillborn foetuses that achieved a weight of at least 500 grams. The aim was to get to the legal recognition of the foetus, excluded by the Italian legal system and by the decisions of the courts, so as to protect, among other things, women's right to rely on abortion in the specific cases and under the conditions provided for by law.

13 September 2013 Rome. Abortion: the Ministry of Health forwarded to Parliament the annual report on the implementation of Law 194/1978 on the voluntary interruption of pregnancy showing the preliminary data for 2012 and the final ones for 2011. Concerning conscientious objection medical staff, it shows that «at National level we went from 58.7% conscientious objector gynaecologists of 2005, to 69.2% in 2006, 70.5% in 2007, 71.5% in 2008, 70.7% in 2009 and 69.3% in 2010 and 2011. Among anaesthesiologists the situation is more stable with a shift from 45.7% in 2005 to 50.8% in 2010 and 47.5% in 2011. For the non-medical personnel there was a further increase, the relevant rates rising from 38.6% in 2005 to 43.1% in 2011. There are marked variations between regions. Rates in excess of 80% can be found among gynaecologists mainly in the south, in the autonomous province of Bolzano/Bozen and in Latium.

22 September 2013. Rome. Medically assisted reproduction: The Court of Rome ordered the Local Health Unit A (ASL A) of Rome to perform a pre-implantation genetic diagnosis on a fertile couple suffering from a genetically transmissible disease;

2 October 2013. Florence. Abortion: the Regional Council of Tuscany rejected a motion calling for greater safeguards with a view to the implementation of Law 194 on the voluntary interruption of pregnancy in Tuscany. The motion committed the Regional Council

of Tuscany to issue legally binding measures regarding all facilities where the voluntary interruption of pregnancy is practiced to ensure full implementation of Law 194 to establish registers of objecting and non-objecting physicians.

25 November 2013. Rome Femicide: according to a note by ANSA, the number of women murdered by a man in 2013 was 128.

15 January 2014 Rome. Medically assisted reproduction: the Court of Rome filed a request for preliminary ruling with the Constitutional Court to assess compatibility of Law 40/2004 with the Constitution in so far as it does not allow fertile couples suffering from genetically transmissible diseases to access medically assisted reproduction.

Legislation and Policies

Abortion

On 11 June 2013 six motions and one resolution submitted by different political parties committed the Government to guaranteeing and monitoring the full implementation of Law 194/1978 regulating voluntary interruption of pregnancy (IVG) in Italy.

The documents approved by the Chamber of Deputies highlight, in different ways, the main criticalities related to the implementation of Law 194/1978, i.e. those of conscientious objection (provided for by Section 9 of the law) and the recourse to pharmacological abortion (via the RSU486 pill). These criticalities seriously jeopardize women's self-determination, i.e. the self-management of their own body and the awareness of their generation power; in this respect, Law 194 of 1978 represented an important step forward since it afforded the opportunity of living sexuality separately from its merely reproductive function in addition to "the right to informed and responsible reproduction" (Section 1 of Law 194/1978).

The high number of health care practitioners that are conscientious objectors in public hospitals results mainly into making the implementation of Law 194 of 1978 increasingly difficult, with negative effects on the running of the various hospitals and, consequently, of the national health system and for the women who resort to abortion (IVG).

Indeed, the state of implementation of the law entails the lengthening of the waiting time, with serious dangers for women's health and increased professional risks for the few non objectors, who often are forced, against their will, to follow a poor clinical practice. Faced with this «state of emergency», women are often obliged to migrate from one region to another or even abroad if they wish to terminate their pregnancy; thus, especially among poorer immigrants, the recourse to illegal abortion is frequent.

These data, in brief, beg the question whether conscientious objection to abortion is not a veritable «sabotage of the law»[1], preventing the provision of a service, especially in some areas of the country – whereas this service must be ensured «in any event», as provided for by Section 9, paragraph 9 of Law 194/1978[2].

Besides, it is necessary to stress that often conscientious objection is badly exercised by the medical staff since they may refuse to perform the specific and necessary activities directed at causing the voluntary interruption of pregnancy, whilst they cannot abstain from providing the assistance before and after the intervention nor may they fail to step in in cases of imminent danger for the woman's life (Section 9, paragraphs 3 and 5 of Law 194/1978). Recently, the Court of Cassation reiterated this point in its judgment of 2 April 2013 according to which «the right to abortion has been recognized as woman's right to self-determination and if conscientious objectors may legitimately refuse to take part in making such right factual, however they may not refuse to intervene for safeguarding the right to health of the woman, not only following termination of pregnancy but, as seen, whenever there is an imminent danger of life»[3].

Another weak point in implementing the national law on IVG consists, as already pointed out, in the infrequent recourse to pharmacological abortion through mifepristone and prostaglandins, i.e. the RSU486 abortion pill. In theory, this drug has been available to Italian hospitals since 2010, after AIFA (Italian Drugs Agency) authorised its marketing under the following conditions: the use of the drug must comply with the provisions of Law 194/1978; hospitalization must be guaranteed in one of the health care facilities pursuant to Section 8 of Law 194/1978 from the time of administration to the

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1 P. Veronesi, 'Il corpo e la Costituzione. Concretezza dei casi e astrattezza della norma, Giuffrè, Milan, 2007, page 141.

2 Section 9, paragraph 4, Law 194/1978: «Hospitals and licensed health facilities must in any case ensure the carrying out of the procedures provided for by Section 7 and the carrying out of the operations required for the termination of pregnancy in the manner prescribed by Sections 5, 7 and 8. The region controls and ensures said performance also through the mobility of staff.»

3 Court of Cassation, Criminal Section, judgment No. 14979 of 2.04.2013.

verification that the product of conception has been expelled; all the different steps involved in an abortion must be supervised by a physician. In addition, unlike other European Countries in which pharmacological abortion may be performed up to the 63rd day of amenorrhea, AIFA allowed the pill to be used only up to the 49th day of amenorrhea. The way the RSU486 pill is administered in Italy departs from what is the case in the rest of Europe, not only as for the duration of pregnancy but also regarding the need for hospitalization. France, for example, has authorised since 2004 the RSU486 pill to be taken outside of the hospital – i.e. at home. Therefore, the Italian concern seems to be that abortion is handled in private, without any social control, thus mistaking confidentiality by loneliness[4]. In fact, it is exactly the need for hospitalization that has, de facto, hindered the recourse to pharmacological abortion in Italy, not to mention that heath care facilities do not always have the drug available[5]. This is in contrast with the recommendations of the World Health Organization concerning the issue of safe abortion, whereby pharmacological abortion is the method to be preferred within the first 9 weeks of pregnancy[6].

Medically assisted reproduction

Since its enactment, Law 40/2004 has provoked a fierce debate and even today, nine years after its entry into force and after the failure of the 2005 referendum, this debate goes on - partly as a result of the many different judicial decisions at national and supranational level. Such decisions have partly corrected the ideological framework of

4 G. Brunelli, *L'interruzione volontaria della gravidanza: come si ostacola l'applicazione di una legge (a contenuto costituzionalmente vincolato*), in *Il Diritto Costituzionale come regola and limite al potere*, vol. III, *Dei Diritti e dell'Eguaglianza*, Jovene, Naples, 2009, page 855.

5 (Italian) Ministry of health, *Interruzione volontaria di gravidanza con mifepristone e prostaglandine. Anni 2010-2011*, in www.salute.gov.it

6 World Health Organization, *Safe abortion: Technical and Policy Guidance for Health System. Second edition*, Geneve, 2012, page 31

a law that can be easily appreciated to be based on a network of prohibitions and obligations and, in its original layout, is devoid of any reference to woman's personal dimension, her dignity and rights.

In the first place, it is necessary to point out that in regulating MAR the Italian lawgiver defines it as a therapeutic method, a treatment for sterility and infertility. In this way, MAR techniques are included in the right to health pursuant to Article 32 of the Constitution, but at the same time their use is restricted to certain categories of citizens, i.e., those provided for by Section 5: heterosexual couples of age, married or cohabiting, of childbearing age. Therefore, an ideal family model is being imposed: that of a bi-parental family based on stable heterosexual couple. This choice is fully in line with the prohibition against heterologous fertilization, the only one viable in case of homosexual couples or single women, who are thus prevented from having recourse to MAR, and raises compatibility problems not only with the right to health but also with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms - which sets forth the right to respect for private and family life and limits any interference with the exercise of that right by a public authority to the measures that, in a democratic society, are needed «in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. ». In this regard, it may be useful to recall that the above Convention becomes part of our Constitutional order indirectly, i.e. by way of the reference to compliance with international obligations made in Article 117 of the Constitution.[7]

Secondly, in Law 40/2004 the lawgiver safeguards the fertilized cell, which is termed generically as "the conceived entity", so much so that its status is considered in some cases to take priority over that of the other individuals involved in the MAR – and in particular the

7 About the role of ECHR in our legal system, see the judgments of the Constitutional Court Nos. 347 and 348 of 2007

mother. This is actually how the provisions should be construed whereby it is prohibited to withdraw the consent to the use of MAR techniques once the egg cell is fertilised – which imposes an incoercible obligation on the woman to undergo implantation at all events; the same applies to the provision made in Section 14, which prohibited, before the intervention of the Constitutional Court[8], creating more than three embryos to be implanted simultaneously (paragraph 1 of that section prohibits cryopreservation and suppression of the embryos). In addition to affecting woman's right to self-determination and health, the latter provision prevented pre-implantation genetic diagnosis in order to implant only the healthy embryo in the womb.

In 2009, the Constitutional Court issued a ruling on Section 14 of Law 40/2004. As well as declaring the said section unconstitutional to the extent it provided for the creation of maximum three embryos, to be implanted simultaneously, it found that pre-implantation genetic diagnosis could be considered an instance of eugenics when aimed to give birth to healthy children, i.e. not suffering from serious diseases and malformations[9]. In fact, the Court found that the above provision served the protection of the right to health of both the woman and the foetus. However, such a pronouncement, although important, is fraught with a limitation – namely, it considers the admissibility of preimplantation genetic diagnosis only and exclusively in relation to sterile or infertile couples, the only ones that may resort to MAR techniques. This means that the recourse to MAR and, therefore, to preimplantation genetic diagnosis is not allowed currently to all those non-sterile or non-infertile persons who suffer from severe genetically transmissible diseases. This is hardly a minor type of discrimination if one focuses on the protection of the right to health that pervades the regulatory interventions on MAR; above all, this is a veritable ban that is in conflict with the Italian legal order as represented by Law 194/1978, which permits abortion within the

8 Constitutional Court, judgment No. 159/2009

9 The Court of Catania expressed its disagreement a few months after the entry into force of Law 40/2004.

third month of pregnancy. It is precisely on that account that the European Court of Human Rights established a violation of Article 8 of the Convention[10] by the Italian State after being seised directly by an Italian non-sterile, non-infertile couple suffering from a severe genetically transmissible disease, who had been denied access to MAR with a view to preimplantation genetic diagnosis by virtue of Law 40/04. Therefore, the Strasbourg Court emphasized the internal inconsistency of the Italian legal order, which on the one hand prevented the couple from relying on preimplantation genetic diagnosis, and on the other hand permits therapeutic abortion (Law 194/1978); accordingly, the Court established the unreasonableness of the prohibition against access to preimplantation diagnosis, which is, in the opinion of the European judges, a disproportioned interference with the applicants' right to private and family life.

However, it should be pointed out that said judgment is not enforceable erga omnes; therefore, the judicial review domestic courts may carry out in respect of the violation of the Convention by domestic legislation and the resulting obligation to not apply such legislation are only limited to the case at hand and can prove poorly effective to ensure an equal protection of the rights of fertile couples.

Indeed, other judges called upon to decide on similar cases cannot but refer to the Italian legislation still in force, which hardly lends itself to being interpreted in a manner consistent with the Convention by going beyond its wording - extremely clear in denying access to MAR techniques by fertile couples. This circumstance was highlighted in the first days of 2014 by the Court of Rome, which filed a request for a ruling to establish the constitutional legitimacy of said law.

Also the ban on heterologous fertilization is under the judicial focus of attention. Recent orders by the Courts of Milan, Florence

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10 Case *Costa and Pavan vs. Italy* [Section X], Appeal No. 54270/10.

and Catania[11] requested the Constitutional Court to evaluate the constitutional legitimacy of Section 4, paragraph 3 of Law 40/2004. In particular, according to the judges, the above provision is against Articles 2, 29 and 31 of the Constitution considering that «the legislative prohibition (…) does not afford the couples who are clinically diagnosed with irreversible infertility or sterility the fundamental right to the thorough fulfilment of the right to private family life and the right to self-determination in relation to the latter»[12].

In this regard it is stressed that, as affirmed also by the Grande Chambre of the European Court of Human Rights[13], the right of a couple to conceive a child is within the scope of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, because these choices are a clear expression of private and family life.

Hence, the right to identity and self-determination of the couple concerning their choices on parenthood is undermined by the prohibition against relying on a fertilization technique, such as the heterologous one, which is actually the only one available allowing a couple to overcome their sterility or infertility problems that cannot be solved otherwise. Besides, and it is important to keep it in mind, the choices in question do not impact other fundamental rights of the individual or any other rights as constitutionally guaranteed [14]. This is the reason for the conflict between the prohibition against heterologous fertilization and Articles 3 and 31 of the Constitution,

11 Reference is made to the order of the Court of Milan of 29.03.2013 (filed on 9 April), to the order of the Court of Catania filed on 13.04.2013 and to the order of the Court of Florence of 23.04. 2013.

12 The words are those of the Court of Milan, but they were not that different from the declarations of the Courts of Florence and Catania in the respective orders for referral to the Constitutional Court

13 ECHR Court, Grande Chambre, 3.11.2011, *S. H. and others vs. Austria*, No. 57813/00.

14 The conception of a child through MAR techniques cannot be considered detrimental to the right of said child to the formal and substantial recognition of its own *status filiationis*, because said right, as the Constitutional Court affirmed through judgment No. 120 of 2001, is «a right that is a constituent element of personal identity, which is protected not only by Articles 7 and 8 of the above mentioned UN Convention on the rights of the child, signed in New York on 20.11.1989, but also by Article 2 of the Constitution».

in terms of the inequality of treatment and of the reasonableness of the legislation itself, since couples with reproductive problems are treated in opposite ways depending exclusively on the type of sterility they suffer from. In addition, the ban on access to medically assisted heterologous reproduction is in stark contrast with the very purposes set out in Section 1 of Law n. 40/2004, which states that the objective of the recourse to MAR is to facilitate the solution of the reproductive problems deriving from a couple's sterility or infertility. Finally, the judges observed that not to allow the donation of gametes conflicts with Articles 3 and 32 of the Constitution, because the prohibition against heterologous fertilization entails the risk of not protecting the physical and mental integrity of the couples. MAR techniques are, in fact, therapeutic remedies aimed at overcoming both the physiological cause and the psychological suffering that always and inevitably goes with the difficulties of the couple in the fulfilment of their desire of parenthood. As to the choice among the different existing therapeutic tools to overcome the problems related to the fertility of a couple, «the decisions of the Constitutional Court have repeatedly emphasized the limits placed on legislative discretion by scientific and experimental achievements, which evolve continuously and on which medical practice is based: so that, in the field of therapeutic practice, the basic rule should consist in the autonomy and responsibility of the doctor who, with the patient's consent, makes the necessary professional choices»[15].

In short, the judges stigmatize the choice made by Parliament – which is actually the only one of its kind in Europe - in prohibiting heterologous fertilization as such; they consider this as a violation of the right to health, unreasonably discriminatory, contrary to medical ethics[16], and above all they acknowledge that the desire to have a child, the interest in being parents, is protected both by the Constitution and by conventional instruments.

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15 See judgment No. 151 of the Constitutional Court of 2009.

16 On this, please, see C. Casonato, *Legge 40 e principio di non contraddizione: una valutazione di impatto normativo* in *La procreazione medicalmente assistita. Ombre e luci*, by E. Camassa, C. Casonato, University of Trento, Trento, 2005, p. 37 and following.

Finally, it should be pointed out that the Italian legal system allows conscientious objection by medical and nursing staff also in respect of medically assisted reproduction – by way of Section 16 in Law 40/2004.

Istanbul Convention

On 19 June 2013 the Senate of the Republic unanimously passed a bill ratifying Council of Europe's Convention on preventing and combating the violence against women and domestic violence, drawn up in Istanbul on 11 May 2011.

In the Preamble of the Convention it is stated that the member States of the Council of Europe and the other future signatories, aspiring to «create a Europe free from violence against women and domestic violence», condemn all forms of violence against women and domestic violence; recognise that the realisation of de jure and de facto equality is a key element in the prevention of violence against women; that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women. In addition, they recognise the structural nature of violence against women as gender-based, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

On the basis of the above considerations, the purposes of the Convention are to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence, and to contribute to the elimination of all forms

of discrimination against women and promote substantive equality between women and men, including by empowering the autonomy and self-determination of the women.

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

In order to stop what is often defined as a "massacre of women", the Convention determines as primary remedies those of prevention, awareness-raising, education, and training of professionals dealing with the victims or the perpetrators of the acts of violence. The intention is to «promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of inferiority of women or stereotyped roles for women and men» (Article 12.1) – that is, a veritable change of the way of thinking, for the fulfilment of which the co-operation of the private sector and of the mass media is required, which, with due respect for their independence and freedom of expression, shall be encouraged by the States «to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity» (Article 17.1).

Concerning the issue of the protection and support of the victims of acts of violence, the Convention (Article 18) commits the States to take a wide range of measures based on an integrated approach which takes into account the relationships between victims, perpetrators, children and their wider social environment, in addition to, among others, measures aiming at avoiding secondary victimisation and increasing the autonomy and economic independence of women

victims of violence, because often it is exactly the lack of this element, especially in the domestic sphere, that prevents women from disengaging herself from repeated episodes of violence. It is also specified that the provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator of the violence.

As to substantive law, the Convention requires States parties to criminally prosecute a number of violent behaviours against women, such as stalking, physical and psychological violence, rape, forced marriage, genital mutilations, forced abortion or sterilization and sexual harassment. Besides, the States shall guarantee to provide the victims with adequate civil remedies against the perpetrator who is obliged to the compensation of damages. Reference should also be made to the provision according to which « Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers»: this is veritable liability rule applying to the State and of its authorities.

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

In addition, the signatory States shall commit to adopt the necessary measures «to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstance to any Country where their life would be at risk or where they might

be subjected to torture or inhuman or degrading treatment or punishment» (Article 61.2).

Finally, in order to ensure the efficient implementation of its provisions the Convention establishes a specific monitoring mechanism, the GREVIO (Group of experts on action against violence against women and domestic violence), which shall examine the report on the legislative and other measures aiming to the implementation of the mentioned Convention, submitted by the States parties to the Secretary General of the Council of Europe. In this regard it is important to point out that GREVIO may receive information from non-governmental organisations and the civil society, as well as from National institutions for the protection of human rights (Article 68).

Femicide

In Italy there is no ad hoc provision for punishing femicide, i.e. the murder of a woman as such, although the usefulness of such a provision has been discussed for a long time at least in terms of its general preventive function - given the difficulty in proving the mens rea at trial.

Therefore, the killing of a woman, at least until today, falls within the scope of the provisions of Article 575 of the Criminal Code which punishes murder. There are aggravating circumstances in the event the crime is perpetrated during rape, also when committed by a group, sexual acts with minors (Article 576, No. 5) of the Criminal Code), and in case the perpetrator has also who committed acts of persecution against the victim (Article 576, No. 5.1) of the Criminal Code).

Rape

After a 20-year long parliamentary procedure, Law 66 of 15 February 1996 finally included rape among the criminal offences against personal freedom, thus departing from the categorization followed previously whereby it was considered a crime against public morals and decency.

In this way, the dignity of the victim was restored by her being finally considered a "person" and new statutory offences were introduced to safeguard self-determination in sexual matters, i.e. Sections 609 bis to 609 decies of the (Italian) Criminal Code. In addition, the statutory definition of a consolidated criminal offence was introduced termed "sexual acts", which covers also the cases in which there was no physical contact between victim and aggressor. The previous legislation envisaged different punishments for rape and sexual assault, respectively.

The purpose of Law 66/1996 is two-fold: to prevent abuses and violence, and to punish perpetrators; indeed, the penalties for rape are more severe than in the past. It is addressed to all those individuals, be they males or females, of age or minors, that are forced to perform or undergo sexual acts through violence, threats or misuse of power. In actual fact, it is mainly to women and children that the law aims to offer protection, because they are affected by this type of crime to a greater extent on account of their being weaker both physically and, especially in the case of children, psychologically.

In this regard, suffice it to mention here that special protection is afforded to children[17] because of their mental and physical immaturity, their resulting inability to express an automatically free and informed consent, their inexperience and the highly damaging

17 See Sections 609 *ter*, paragraph 1, No. 1) and 5) of the Criminal Code providing for the aggravation of the punishment in case violence was perpetrated against a minor, 609 *quater* Criminal Code punishing sexual acts with minors, 609 *quinques* Criminal Code concerning child abuse.

consequences for their balanced and harmonious growth progress. And it is precisely on consent to the sexual act that all the Italian criminal legislation aimed at the suppression and punishment of sexual abuse is focused.

In fact, Article 609 bis of the (Italian) Criminal Code, which is mainly related to rape, provides for two statutory types of rape – i.e. by coercion, if committed through violence, threats or misuse of power, or by inducement.

To prevent that the rapist remains basically unpunished, a penalty ranging between 5 and 10 years of imprisonment is provided for, so as to make it impossible to plea bargain (which is conversely permitted in case of custodial penalties under two years). The offence may be prosecuted on the non-revocable charge filed by the woman; the time limit for filing the charge was extended to 6 months, whilst it is 3 months for the other offenses punishable on complaint by a party pursuant to the Criminal Code.

There are aggravating circumstances (Section 609 ter of the Criminal Code) entailing an increased punishment of up to 12 years, many of them in consideration of the age of the rape victim (i.e., the fact of being not of age) and of the particular familiarity and degree of kinship with the offender; others are related to the use of weapons or alcohol, narcotics, drugs or other methods and way to inhibit the possibility of providing a free consent to the sexual act by the victim, or to the fact that the perpetrator is in disguise or purports to be a public official or civil servant and to the circumstance that the violence is committed on a person subject in any way to a limitation of personal freedom.

In addition, aggravating circumstances are specified in Law 119/2013 containing «Urgent provisions for safety and for fighting gender violence and concerning civil protection and the placement of the provinces under administration by a commissioner»; in

particular, paragraph 5-ter was added to Section 609 ter, by virtue of which the punishment is increased if the facts provided for in Article 609 bis are committed against a pregnant woman, whilst paragraph 5) quater provides for an increased punishment if the rape is committed against a person of which the offender is the spouse, even separated or divorced, or else a person that is or was linked to the victim by an affective relationship even without cohabitation.

It is worth to point out that one of the most important innovations brought about by Law 66/1996 is the introduction of gang-rape (Section 609 octies of the Criminal Code) consisting in the participation of several persons acting together in acts of rape. In order for the offense to be committed, it is not necessary that all perpetrators materially perform the violence, being sufficient that they are present in the same place and at the same time and have agreed on the acts to be performed even by just one of the members of the group.

Domestic violence

The Criminal Code includes a specific provision for domestic violence, in addition to those protecting the individual in general: this is Section 572 of the Criminal Code, concerning "Maltreatment in the family or toward children", in the Chapter on crimes against the family.

In 2001, Law 154 was passed providing for new civil and criminal measures aimed to counter domestic violence effectively. Specifically, in criminal cases, the law introduced Article 282 bis in the Criminal Procedure Code providing for the precautionary measure of removing the violent offender from the family home. Following commission of a crime involving physical and psychological violence against a family member, the public prosecutor may thus request the judge in charge, during the preliminary investigation or the trial, to take the

above measure in the event necessity and urgency preconditions are met. Regarding civil law, protection orders against family maltreatment were introduced (Sections 342-bis and 342-ter of the Civil Code); they may be applied for by the victim of violence, also without the assistance of a lawyer, by filing a petition with the judge when the applicant suffers serious harm to life, mental health and personal freedom because of the behaviour of a family member.

Besides, still in 2001, Laws 60 and 134 were passed on legal aid for women victims of rape and maltreatment.

In this regard, it is to be pointed out that the issue of the woman's economic independence and subjection to man, at least under this respect, is the focus of the current policies concerning violence on women. This is an issue strictly connected with woman's self-determination. In particular, we would like to stress the general support services provided for by Chapter IV of the Convention concerning protection and support of the victims of violence, where reference is made to measures that "aim at the empowerment and economic independence of women victims of violence" (Article 18.3) which have become binding on Italy as well.

As already mentioned, there are provisions relating to domestic violence in Law 119/2013 on «Urgent provisions for safety and for combating gender violence and in the field of civil protection and placement of the provinces under administration by a commissioner». Firstly, paragraph 11-quinquies is added to Section 61 of the Criminal Code, listing general aggravating circumstances, to the effect that one of such aggravating circumstances consists, for any criminal offences committed with criminal intent against life and integrity or personal freedom, or in the case of the offence provided for in Section 572, in having acted in the presence of or by causing harm to a person aged under 18 years or a pregnant woman.

Section 3 of the law, paragraph 1, in addition provides that in the cases in which the police is notified of a fact that may be related to the crime provided for in Article 582, paragraph 2 of the Criminal

Code (minor bodily injury, punishable on complaint), whether committed or attempted, in the context of domestic violence, the questore (provincial head of police) may,, even if a complaint has not been filed, proceed with the admonition of the perpetrator, after having obtained the necessary information from the investigation teams and hearing the persons informed about the facts of the case. In addition, Section 380 of the Criminal Procedure Code was amended to provide for mandatory arrest in flagrante delicto in case of maltreatment, committed or attempted, in a family context.

Also Section 609 decies of the Criminal Code was amended, because the crime of domestic violence was added to those other criminal offences that, where committed either against a child or by either parent of an underage child, have to be reported by the Public Prosecutor to the Juvenile Court – also with a view to taking the measures provided for in Section 155 (court orders in case of separation or divorce) and subsequent ones and in Sections 330 (disqualification from parental authority) and 333 (parent's conduct being prejudicial to the children) of the Civil Code.

As to precautionary measures, the above new law provides for the urgent removal from home in the event the offender is caught in the act of committing any of the offences mentioned in Section 282 bis of the Criminal Procedure Code - including domestic violence. In these cases, the police are empowered to order the perpetrator to be removed immediately from the family home and prohibited from getting closer to any places that are usually visited by the victim – subject to the public prosecutor's prior authorization, and where there are sound reasons to believe that the criminal conduct may be repeated and expose the victim to serious and factual danger for her life or bodily or mental integrity. In addition, the law provides that any request for revocation of the precautionary measures in a proceeding instituted for a crime committed with violence, where it was not proposed during the initial interview of the defendant, must be served under the applicant's responsibility and under penalty of inadmissibility, on the defence counsel of the victim or, failing this,

directly on the victim . The same applies to the request for revocation of said measures after the closing of the pre-trial investigation.

The same law provides for the protection of foreigners who are victims of domestic violence and who may apply for obtaining an autonomous residence permit where their own depends on the permit of another family member. In addition, the law provides that the residence permit may be revoked and a deportation order may be issued with regard to foreigners sentenced, also on the basis of a non-final judgment and including the sentence imposed further to Section 444 of the Criminal Procedure Code, on account of any of the offences provided for in Sections 572, 582, 583, 583 -bis, 605, 609-bis and 612-bis of the Criminal Code or one of those provided for by Article 380 of the Criminal Procedure Code, where committed on the national territory in a context of domestic violence (pursuant to Section 13 of Legislative decree 286/1998 (Consolidated Text on Immigration)).

Stalking

Stalking, that is performing persecutory acts, is a behaviour that became criminally relevant following decree-law 11/2009 concerning public safety – which was converted into Law 38 of 2009, adding Section 612-bis to Chapter III of the Criminal Code i.e. among the offences against individual freedom, in particular against moral freedom.

Said law was conceived by the lawgiver mainly to protect woman's freedom, considering that the adoption of such a measure was called for by Recommendation 5(2002) of the Council of Europe concerning the protection of women against violence as well as by the Third Summit of Heads of State and Government held in Warsaw on 16 and 17 May 2005; during the said Summit, a Campaign to combat violence against women, including domestic

violence, was launched, whose technical project was approved by the Council of Ministers on 21 June 2006. In actual fact, the Italian statutory definition of the offence is worded in a gender-neutral way, since the victims may be men as well as women.

In this regard, it should be noted that whilst in the context of rape - whose statutory definition is also worded in a gender-neutral way - the relevant provisions were hardly, if ever, applied to situations in which the victim was an adult man, there is a greater number of stalking cases where men are the victims and women the perpetrators.

Actually, Decree-law 11/2009 introduced not only a new statutory definition of a criminal offence and a specific aggravating circumstance in the event the stalker kills the victim (Section576 No. 5.1 of the Criminal Code), but also a more comprehensive regulation of the phenomenon.

As well as providing for an admonition to be issued by the questore and a new precautionary measure (Section 282-ter) consisting in the ban to get close to any places that are patronised by the victim, measures to support victims are envisaged (Sections 11 and 12 of the decree No. 11/2009); further, Section 342-ter of the Civil Code was amended regarding removal from the family home by extending to one year the maximum duration of the relevant order.

Additionally, the police are empowered to order the perpetrator to be removed immediately from the family home if the offender is caught in the act of committing any of the offences referred to in Section 282-bis of the Criminal procedure code (including stalking committed by the spouse, whether separated or not, or by a person linked to the victim by an emotional/loving relationship).

In that case the police may order the offender to be removed immediately from the family home and prohibited from getting closer to any places that are usually visited by the victim – subject

to the public prosecutor's prior authorization granted or confirmed in writing or electronically, and where there are sound reasons to believe that the criminal conduct may be repeated and expose the victim to serious and factual danger for her life or bodily or mental integrity. In addition, the law provides that any request for revocation of the precautionary measures in a proceeding instituted for a crime committed with violence, where it was not proposed during the initial interview of the defendant, must be served, under the applicant's responsibility and under penalty of inadmissibility, on the defence counsel of the victim or, failing this, directly on the victim . The same applies to the request for revocation of said measures after the closing of the pre-trial investigation.

It should also be noted that the maximum punishment of 4 years' imprisonment provided for by the law for the new crime of stalking also allows for the application of the precautionary measure during imprisonment pursuant to Section 280, paragraph 2 of the Criminal Procedure Code.

As to the perpetrators of such kind of violence and, in general, of violence against women, it is worth stressing that the lawgiver in 2013, complying with the provisions of Istanbul Convention, seemed to attach importance to support programs for said perpetrators; indeed, Section 282 quater of the Criminal Procedure Code was amended to provide that if the defendant successfully follows a violence prevention program organized by the geographically competent social services, the service manager informs the public prosecutor and the judge accordingly with a view to evaluating the revocation or change of the measure.

Law 119/2013 also addressed the aggravating circumstances of the offense. In particular, it provides for an increased punishment where the perpetrator is the spouse of the victim and, in the event of separation, regardless of whether the couple are separated de facto and not legally[18]. Besides, in line with the widespread use of IT,

18 The previous text of paragraph 2 of Section 612 bis was as follows: «The punishment shall be extended if the fact is perpetrated by the legally separated or divorced spouse or by a person

especially e-mails and social networks, an increase of the penalty is provided for if the offense is performed through computerised or IT tools.

By virtue of an amendment of Section 380 of the Criminal Procedure Code, Law 119/2013, provides for mandatory arrest in case the offender is caught in the act of committing or attempting stalking . Finally, it is provided that in a proceeding instituted on account of the offence at issue being committed against a child or by a child's parent against the other parent, the Public Prosecutor notifies the Juvenile Court also for the adoption of the measures provided for in Section 155 (court orders in case of separation or divorce) and subsequent ones and in Sections 330 (disqualification from parental authority) and 333 (parent's conduct causing harm to the children) of the Civil Code.

Stalking is punished on complaint by the victim and the deadline for filing such complaint was raised to 6 months; by virtue of the amendments made by the lawgiver in 2013, the withdrawal of the complaint may only take place at trial. However, the complaint may not be withdrawn where the fact was committed by way of repeated threats as provided for in Section 612, paragraph 2.

Section 2 of Law 119/2013, provides for the eligibility to free legal aid for the victims of the above offences and ensures absolute priority as to the setting of the dates for the hearings in the court calendar also to the crime of stalking (Section 132 bis of the implementing, co-ordinating and transitional provisions of the Criminal Procedure Code). Regarding procedural rules, it should be pointed out that this law provides that the extension of time-limit set for pre-trial investigations in the case of stalking (Sections 405 and 406 of the Criminal Procedure Code) may be granted only once; the notice of the conclusion of pre-trial investigations (Section 415 bis of the Criminal Procedure Code.) must also be served on the victim's defence counsel or, failing this, on the victim; additionally, as

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that held an affective relationship with the victim»

regards generally all crimes committed through battery, the public prosecutor has to notify the petition for dismissal of charge to the victim.

Female Genital Mutilation

As we saw, the Istanbul Convention considers different kind of genital mutilation as a serious violation of human rights of women and girls and one of the main obstacles to guarantee gender equality. For these reasons the Convention urged States parties to take the necessary legislative measures to ensure female genital mutilations are prosecuted under criminal law. In addition, the 67th Session of the UN General Assembly, opened on 25 September 2012, upon invitation of the EU Parliament[19], unanimously passed a resolution banning Female Genital Mutilations, encouraging the States to introduce in their national legislative framework laws prohibiting such practices and ensuring respect for such laws.

In fact, the Italian legal system already sanctioned said behaviours through Law 7/2006 introducing in the Criminal Code, among crimes against the individual, in particular the crimes against an individual's life and integrity, Articles 583 ter (Feminine Genital Mutilation practices) and 583 quater (providing the ancillary punishment of disqualification from practising their professional activity from three to ten years for doctors convicted of the crime provided for in the previous Article). The specific aim of said provisions is to punish the spreading of these practices in Italy (as a consequence of migration phenomena).

The above practices are typical of some Countries and they are a violation of the fundamental rights to personal integrity, women's and girls' health (girls are more frequently the victims of such episodes), dignity of the human person and the right to communal life.

The issue of Female Genital Mutilation (FGM) is strictly related

19 The reference is to the resolution of 14.06.2012 in which the EU Parliament in "Recital E." stresses that «Female genital mutilation is an expression of unequal power relations and a form of violence against women, alongside other serious forms of gender-based violence, and whereas it is absolutely necessary to embed the fight against female genital mutilation in a general and coherent approach to combating gender-based violence and violence against women,»

to the application for asylum by the victims of such practices. In this regard reference should be made to what was mentioned before concerning the provisions in Istanbul Convention on asylum and migrants - which require the States parties to apply a gender sensitive interpretation to the Convention concerning the refugee status of 1951. At least the Italian case-law would appear to be moving in this direction. A recent pronouncement of the Court of Cagliari[20], considers that FGM are the pre-requisite for the recognition of refugee status pursuant to Section 2 and subsequent ones of Legislative decree 251 of 19.11.2007, implementing Directive 2004/83/CE, on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. In particular, the Court based its conclusions on the seriousness of this form of violence, which is considered a pre-requisite for the qualification of person needing international protection by the decisions of the courts of several Countries and, in particular, by the European Court of Human Rights[21]. Therefore, the Court deemed it possible to interpret the provision defining the qualification of refugee (Section, letter e), Legislative decree 251/07) consistently with the above mentioned judgment of the European Court because, «considering female genital mutilation as a act of persecution on the ground of belonging to a particular social group is clearly compatible with the protection of constitutional interests as provided for in Articles 2 and 3 of the Constitution, with specific regard to the protection of inviolable human rights, the principle of equality and equal social dignity, without distinction of sex, in the same manner as with distinctions based on race, language, religion or political opinion».

20 Order of the Court of Cagliari of 3.04.2013

21 The reference is to the case of Emily Collins and Ashley Akaziebie vs. Sweden, Application No. 23944/05, 8.3.2007, in which the Court declared the application inadmissible only because persecution was not found to be attributable to the applicant personally.

Recommendations

1. Eliminating legal and administrative obstacles for a legal abortion that is safe and respectful of the fundamental rights of the women - starting from the elimination of need for a waiting time between the woman's application and the carrying out of the intervention, from personnel policies such as to ensure the availability of non-objector physicians in health care services, from more stringent provisions such as to require physicians that are conscientious objectors to direct the woman to a non-objector physician and to in any case handle the application received.

2. Issuing calls finalized to the allocation to non-objector physicians of the working hours required for voluntary termination of pregnancy. The administration could legitimately prepare future calls finalized to the publication of the vacant positions for the specific counselling centres, by reserving 50% of the posts for non-objector specialist physicians.

3. Making the RSU486 abortion pill available and, in accordance with the guidelines of the WHO, making this abortion technique the preferred option within the first 9 pregnancy weeks; additionally, it would be appropriate to permit the use of the abortion pill within the 63rd day of pregnancy and allow taking said pill also at home or, at least, in an outpatient clinic by providing for the woman to visit the hospital subsequently for the completion of the procedure.

4. Bringing about legislative interventions to change at least the requirements for accessing medically assisted reproduction techniques. First of all, they should be available also to couples without sterility and infertility problems but suffering from

genetically transmissible diseases.

5. Lifting the ban on heterologous fertilization.

6. Fully implementing the provisions contained in the Istanbul Convention by paying specific attention to prevention and education via policies that can promote a veritable cultural shift – so as to do away with biased views and practices grounded in the alleged inferiority of women and, in particular, to promote women's economic independence.

7. Fostering the creation of and strengthening support services, such as anti-violence centres or the so called "sheltered housing", which must have an appropriate geographical distribution.

8. In agreement with the provisions of the Convention, adopting programmes targeted at the perpetrators of the violence in order to avoid recidivism.

9. Promoting the creation of support and assistance centres for the victims of female genital mutilations such as those created by the association "Nosotras" in Florence, where a dedicated helpline for said victims, the first of its kind in Italy, was also made available.