

## Article 5

STATE ACTION TO OVERCOME DISCRIMINATORY  
CULTURAL PATTERNS AFFECTING WOMEN

## Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

The National Commission for the Achievement of Equality between Men and Women has made great efforts to modify the social and cultural patterns of conduct of men and women. These efforts are a continuation of those described in the initial report.

Together with the affirmative action taken in the political sphere (referred to in the introduction and under articles 3 and 4), the importance of the survey conducted, with the help of the "Images of Women" information service, into the way in which women are portrayed in the mass media should be highlighted. This survey was carried out in the belief that the media play an important role in constructing and reproducing a referential cultural model for the roles of men and women. It emerged from the survey that many women reject the image of women conveyed by the media, and the letters received by the Commission clearly indicated a desire to see the usual messages changed.

On the same issue, two important initiatives should be mentioned:

1. The publication of Women in the Media by the "Images of Women" information service, containing complaints, an analyses and research on the cultural patters which are being observed.

2. The introduction of a best and worst prize for the image which women find most distasteful and the image which earns the highest female approval rating.

Lastly, it should be noted that the purpose of the "Images of Women" information service is to establish a direct line of communication between the National Commission and the "real world" that will make it possible to express opinions and institute a dialogue with women in order to identify and agree on courses of action and proposals that can actually be implemented.

## Article 6

SUPPRESSION OF TRAFFIC IN WOMEN AND EXPLOITATION OF  
PROSTITUTION OF WOMEN

## Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

During the first nine months of 1981, 1,252 offences were recorded and 1,456 individuals were reported for exploitation or encouragement of

prostitution.

National statistics for 1990 show a decline compared with previous years in the total number of reported offences involving physical and sexual violence against women.

Nevertheless, the national press has frequently devoted extensive coverage to situations of unbelievable violence, underscoring the existence of considerable and not unjustified alarm among vast sectors of public opinion, aggravated by the feeling that the preventive systems currently in place are inadequate.

The problem cannot be ascribed to any one aspect of our social life. The roots of this contemporary malaise are to be found in all the psychological and material elements at work in the evolution of post-industrial society.

In any event, the problem of violence against women is far more serious and complex than national statistics suggest. Everyone knows that these statistics are based purely on data drawn from complaints lodged with or investigations conducted by the police. The impact of female immigration on prostitution can also be gauged from such investigations.

Published data, therefore, give an incomplete picture of the problem, since many cases are not reported owing to a reluctance to come forward, fear of retaliation and intimidation, or ignorance on the part of victims and those close to them.

Problems of anti-social behaviour towards women are not restricted to sexual abuse; they include a far longer list of behaviour patterns ranging from physical violence (beatings) to psychological violence (intimidation).

The Ministry of the Interior and, particularly, the police authorities, have taken action on this issue on several occasions by sending numerous circulars to local police stations, drawing attention to the problem and urging them to conduct a thorough campaign of prevention and monitoring in their area, and also instructing them to comply with the proper procedures when intervening in specific cases.

As part of these preventive efforts, prefects have been asked to place on the agenda of the periodic meetings of the provincial committees for public order and safety, made up of representatives of the relevant bodies and departments, consideration of a common intervention policy for all sectors involved with judicial protection, social and health assistance and public education, with a view to raising the awareness of both the start of such sectors and potential victims.

Action must be directed primarily towards remedying situations, already known to the local authorities, in which there are recurrent breaches of the law involving incitement to prostitution or social delinquency.

The emphasis has therefore been on taking decisive action against individuals with criminal records who establish themselves among socially disadvantaged groups where they encourage the exploitation of women.

At the same time, no opportunity has been missed to publicize the need to bring any incident of violence towards or harassment of physically and socially weaker individuals to the attention of the competent authorities.

In addition, the first Anti-Violence Centre in southern Italy was opened in Rome on 14 March 1992. It is run by a women's association from the offices of the provincial administration, with funding from the province and the district council.

As early as 1988, the Department of Public Safety distributed a circular

calling for the establishment of special offices in the administrative divisions of central police stations, linked by telephone to the emergency services number (113), to handle complaints and interventions in cases of violence against women.

To achieve effective harmonization in matters of intervention, female staff or staff trained in dealing with such issues had to be assigned to this special service.

Mindful of the delicate nature of cases subject to this kind of special investigation, it was decided to insist that the special offices should have a separate waiting room from the one used by members of the public reporting other offences.

The most recent initiatives include the distribution of a booklet produced by the Central Criminal Investigation Department, which contains a special chapter offering suggestions on how to defend oneself against possible attack by strangers.

To follow up these measures, the Minister of the Interior issued a circular on 14 November 1988 and again on 4 July 1989 on measures to prevent the abandonment of elderly persons, women and minors. The circular stipulated that the emergency services number 113 would be made permanently available for assisting elderly persons in case of need. Pursuant to this circular, the Department of Public Safety, mindful of the new role of the police in this regard, issued rules for preventing and combating sexual violence, abuse and ill-treatment of women and minors and abandonment of elderly persons.

In addition, new administrative instructions were issued to police departments ordering them to step up their efforts to prosecute the offences referred to in resolution 1983/30 of the Economic and Social Council of the United Nations.

As a result of operations carried out by the bodies responsible for ensuring public safety, 1,061 cases of exploitation and encouragement of prostitution were uncovered and punished in 1989, 1,192 in 1990 and 1,252 in 1991.

The number of female police officers, whose tasks include implementing the objectives of the above-mentioned resolution, has recently increased and currently stands at approximately 7,600.

Measures have also been taken to increase the thoroughness and success rate of searches for missing persons, above all minors, who have arbitrarily escaped from the authority of their parents by leaving home. These measures are part of ongoing cooperation with the International Criminal Police Organization (Interpol), while work has reached an advanced stage on a complex, computerized programme which will make it easier to monitor the problem and keep track of the resulting initiatives, including preventive measures.

#### Statistical data

To make it easier to consult the attached tables, we are providing a summary, by region, of the 1989 and 1990 statistics on violent crimes against women.

Since the closure of brothels in Italy, the Italian Centres for the Protection of Women (C.I.D.D.) have been working with the Government to assist prostitutes who have decided to change their way of life, principally by providing them with accommodation and work opportunities.

With regard to the incidence of Acquired Immunodeficiency Syndrome (AIDS) among prostitutes, as a result of extensive public information

campaigns there has been a levelling off in high risk categories but an increase in transmission among heterosexuals, mainly because of female drug addicts who prostitute themselves in order to obtain drugs and who seem less amenable to appeals to take the proper precautions.

INDIVIDUALS REPORTED, INVESTIGATED AND ARRESTED  
FOR RAPE

Region	1989	1990
Valle d'Aosta	1	1
Piedmont	83	50
Lombardy	84	78
Trentino-Alto Adige	21	12
Veneto	39	29
Friuli-Venezia Giulia	21	8
Liguria	20	20
Emilia Romagna	39	47
Tuscany	41	31
Umbria	2	8
Marche	22	7
Latium	85	77
Abruzzi	16	12
Campania	75	84
Molise	7	-
Basilicata	11	10
Puglia	39	51
Calabria	57	26
Sicily	132	76
Sardinia	35	22
TOTAL	830	649

INDIVIDUALS REPORTED, INVESTIGATED AND ARRESTED  
FOR INDECENT ASSAULT

Region	1989	1990
Valle d'Aosta	3	4
Piedmont	80	43
Lombardy	97	63
Trentino-Alto Adige	8	7
Veneto	48	32
Friuli-Venezia Giulia	24	16
Liguria	32	26
Emilia Romagna	39	47
Tuscany	59	38
Umbria	8	5
Marche	27	17
Latium	54	40
Abruzzi	17	15
Campania	73	63
Molise	6	4
Basilicata	2	8
Puglia	51	32
Calabria	35	26
Sicily	95	47
Sardinia	41	19
TOTAL	817	547

STATISTICAL UNIT OF THE MINISTRY OF THE INTERIOR

INDIVIDUALS REPORTED/INVESTIGATED/ARRESTED FOR RAPE IN 1990

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

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## Article 7

## PARTICIPATION IN PUBLIC AND POLITICAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government,

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

## 7.1 Right to vote and stand for election\*

During the period under review, the proportion of women among Italy's members of the European Parliament rose to 10 per cent.

Before the administrative elections, the National Commission met with party leaders and managed to ensure the inclusion of many women in lists of candidates.

Although women's presence remains marginal in political and institutional life and their representation in certain sectors, such as local government, is little more than symbolic, remaining at a far from adequate 8 per cent, there were some positive signs at the most recent administrative elections (6 May 1990), with large numbers of women candidates on all slates.

However, there was no corresponding increase in the number of women elected. While the increase in the number of women elected to provincial administrations can be viewed as significant (from 172 in 1985 to 210 currently), the number of women regional councillors fell by 0.5 per cent.

The greater presence of women candidates and the increase in the number of women elected in provincial elections, which are based on a single list, can be seen as an indication that parties are paying more attention to the problems of women's representation. In this sense, the meeting organized by the National Commission with party leaders just before the elections could be termed beneficial.

The decrease in the number of women elected in regional elections can be

attributed to the more personalized nature of the voting, which entails tougher competition among candidates and penalizes women because they are weaker economically and socially.

\* See also introduction, annexes II to IV.

Given these still negligible results in the process of increasing women's representation in local government to appropriate levels, the National Commission intends to tackle the roots of the problem by drafting a proposal for inclusion in the draft legislation on electoral and institutional reform.

On the occasion of the 1992 general elections, the National Commission called a meeting with party leaders, the Chairman and Director-General of RAI and the Chairman of the Parliamentary RAI Oversight Commission with a view to promoting women candidates. It also promoted the "Vote for Woman" advertising campaign. The elections saw an increase in the proportion of women in the Senate, from 6.6 per cent to 9.8 per cent, and a decline in the Chamber of Deputies, from 12.8 per cent to 8.2 per cent.

## 7.2 Employment in the public administration

The Ministry of Finance publication *Female Employment in the Public Administration from 1986 to 1991* is a useful tool offering a complete overview of this issue. It reveals an increase in the number of women employed in the public sector, particularly in teaching.

However, women are concentrated in the middle and lower grades. There are only 19 women directors-general out of a total of 513 (but in 1986 there were only 4).

No woman holds the rank of ambassador or prefect first class; the total number of women directors is 846 out of a total of 6,586.

The judiciary is a body of public officials enjoying special legal status as a result of the independence of the judiciary laid down by the Constitution. According to article 107 of the Constitution, judges are appointed following a public competitive examination and promoted on the basis of competitive examinations organized by the Ministry of Justice. However, pursuant to laws promulgated between 1966 and 1979, certain types of promotion are based not only on seniority but also on the number of years served in a given post.

The principle that judges cannot be removed from office means that any request to replace a judge must be submitted to the Higher Council of the Judiciary, which evaluates the various candidates on the basis of seniority and merit.

Following what some viewed as an historic decision by the Military Judicial Council at its meeting on 6 October 1989, women were admitted to the competitive examinations for the military judiciary. Pursuant to this decision, a Ministerial Decree of 5 March 1990 announced a professional examination to fill 18 junior military magistrates' posts, open to ordinary judges. One third of the applications received were from female candidates.

The delay in applying Act No. 66 of 9 February 1963 (admitting women to all public sector jobs, including the judiciary) reflects the slow process of adapting the military judicial system to constitutional principles. This process finally received a major boost in the 1980s as a result of Act No. 180 of 7 May 1981 which, in making significant changes to the military judicial system in peacetime, brought military judges' legal status and guarantees of independence into line with those of ordinary judges, and Act No. 561 of 30 December 1988, which established a self-government body for the military judiciary, modelled on the Higher Council of the ordinary judiciary.

Generally speaking, women judges in Italy do not experience problems gaining admission to or advancing in their career. The Italian system of recruitment by public competitive examination and progressive advancement safeguards against any form of discrimination. Indeed, the increasing percentage of successful women candidates in recent competitive examinations, which reflects the significant rise in the number of female students attending law school, means that one can safely assume that, in a few years from now, the number of women judges will equal or possibly exceed the number of men judges.

In November 1990, the Association of Italian Women Magistrates was founded. It aims to represent all women judges and to provide a forum for discussing their professional status and the specific nature of their role "between equality and difference", as the Association's theme for its first national congress so aptly put it.

The Association's initiatives include the study and elaboration of proposals on problems of maternity leave and ongoing professional training.

Data on the ordinary judiciary, updated to 24 February 1992, are attached. The figures show a marked increase in the number of women in the judicial profession.

By its judgement No. 238 of 3-8 May 1990, the Constitutional Court ruled that the question as to the constitutionality of article 3 of Act No. 27 of 19 February 1981 (measures for judicial personnel) was unfounded. Under that article, women judges on special maternity leave could not receive the special allowance provided for in the Act. The Court felt that, since the financial treatment of judges was subject to independent regulations, the rules adopted for periods of maternity leave could not be evaluated by reference to the principle of equality (with other categories). Moreover, the issue has not been taken up by the Court in the context of article 37 of the Constitution (guaranteed equal wages for workers and adequate protection of working mothers).

As regards female lawyers, it should be recalled that the right of women to register with the Bar Association and to engage in the legal profession was established around 1920, but it was only after the Second World War that a significant number of women entered the profession; since then, their numbers have increased steadily.

A study carried out in January 1990 on behalf of the Bar Association's social security fund yielded some fairly important data, including genderdisaggregated information.

In 1981, the total number of registered lawyers was 29,221, of whom 27,169 were men and 2,052 were women. In 1988, these figures were 27,379 and 3,574 respectively out of a total of 30,952, with a percentage variation of 0.8 per cent for men and over 74 per cent for women.

TABLE 1. MEMBERS OF THE JUDICIARY  
(As at 24 February 1992)

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It may be interesting to note the breakdown, by sex, of lawyers in the three regions of the North, Centre and South islands:

1981	North	Centre	South
Men	10 587	6 864	11 828
Women	1 128	569	384

1988	North	Centre	South
Men	11 295	7 224	12 216
Women	1 940	911	762

Lastly, one remaining obstacle to equality was removed by the Prime Minister's Decree No. 138 of 4 March 1991 (regulation on new height requirements for admission to courses leading to appointment as trainee rangers and officers in the State Forest Rangers). This Decree, overriding the view of the National Commission for the Achievement of Equality between Men and Women that the minimum height requirement for women seeking admission to the courses should be 1.58 metres, set the limit at 1.60 metres (as against 1.65 metres for men) on the grounds that this height is essential in order to be able to operate efficiently in mountainous terrain.

Data concerning career positions at the level of administrative director in the Ministry of Foreign Affairs are given below.

Women are also entering the financial sector in more substantial numbers; the figures for 1992 are given below.

### 7.3 Equal opportunity for men and women in the public administration

In the course of 1987, pursuant to the Ministerial Decree of 25 July 1986, the commitment made by the Government in the first interdepartmental agreement began to take shape when qualified individuals joined the Commission to tackle the issues of the status of women in public employment and equality of opportunity. This historic development paved the way for the Ministerial Decree of 18 October 1988 which, as mentioned in the introduction, set up the third section of the commission for monitoring expenditure flows, with the functions of a civil service monitoring board.

TABLE 2. WOMEN IN SENIOR POSTS IN THE STATE POLICE

Grade	Women	Number of staff	Percentage
Senior Director	3	182	1.6
Director	31	626	4.9
Principal Vice-Commissioner R.E.*	16	68	23.5
Deputy Principal Commissioner	85	971	8.7
Divisional Commissioner	61	195	31.2
Commissioner	262	718	36.4
Deputy Commissioner	96	302	31.7
Trainee Commissioner	68	166	40.9
TOTAL	622	3 228	19.26
* R.E. = grade scheduled for abolition.			
Chief Inspector	126	951	13.2
Principal Inspector	1	1 463	0.1
Inspector	128	1 580	8.1
Deputy Inspector	471	1 898	24.8
TOTAL	726	5 892	12.3
Deputy/Assistant Health and Sanitation Officers	6 350	72 481	8.7
	50	213	23.4

TABLE 3. MINISTRY OF THE INTERIOR  
DISTRIBUTION OF PERSONNEL BY AGE GROUP  
(Reference year: 1991)

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TABLE 4. MINISTRY OF THE INTERIOR  
DISTRIBUTION OF PERSONNEL BY AGE GROUP  
(Reference year: 1991)

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TABLE 5. CAREER POSITIONS AT ADMINISTRATIVE DIRECTOR LEVEL  
(As at 1 January 1992)

Grade or level	Code	Number of staff	In service as at 1 January	
			Men	Women
Director-General level A	A9DA			
Director-General level B	A9DB			
Director-General level C	A9DC	2	2	
Senior Director	A9DO	9	8	3
Director	A90E	18	11	9
Inspector General r.e.	A9FA	XXXX	2	4
Divisional director r.e.	A9FB	XXXX	-	-

STAFF OF THE INSURANCE AND FINANCIAL SECTOR  
(approx. 360 from lending and financial institutions)

Breakdown of financial sector personnel	M	W	TOTAL	%
Director	3 355	33	3 388	1.32
Senior officials	38 383	1 884	40 267	15.73
Senior managers	6 159	638	6 797	2.65
Managers	9 347	1 270	10 617	4.15
Office managers	28 719	7 238	35 957	14.01
Assistant office managers	39 675	15 007	54 682	21.36
Heads of department/section	25 668	14 820	40 488	15.81
1st category employees	29 135	16 744	45 879	17.92
2nd category employees	5 451	1 292	6 743	2.63
Chief clerical officer	753	3	756	0.30
Clerical officers	6 611	313	6 924	2.70
Specialized workers	624	1	625	0.24
Workers	616	2	618	0.24
Night watchmen	603	2	605	0.24
Other auxiliary staff	1 102	590	1 692	0.66
TOTALS	196 201	59 837	236 038	100.00
	76.63	23.37	100.00	

The third section is doubly important, since it not only provides a political and organizational solution to the problems of the distribution and balance of work within the commission, but also deals with problems relating to equal opportunity and to the employment situation in the Mezzogiorno.

The third section was given the following functions:

- To acquire quantitative and qualitative data on the presence of women in the various civil service sectors, and data on their corresponding

geographical distribution, with a view to preparing the report to Parliament provided for in article 16 of Act No. 93 of 29 March 1983.

- To produce a summary and an analysis of equal opportunity in the public administration, with particular reference to mechanisms for recruitment, access, career development, promotion and professional training and to problems relating to the organization of work and to working conditions and environment.

- To produce a summary and an analysis of the employment situation in the Mezzogiorno, with particular reference to women's work and to professional jobs in the expanded public sector, in order to put forward specific proposals for the creation of new jobs and the rationalization of others.

These functions were assigned later than those assigned to the civil service monitoring board by the Ministerial Decree of 25 July 1986 mentioned above. Part of the commission's work during 1988 was devoted to carrying out these functions, ably assisted by the special inter-sectional group established in March 1987.

As part of the programme of work for the period 1988-1990 already proposed and approved by the monitoring board in plenary meeting, a number of priority projects were formulated which can be summarized as follows:

1. A pilot survey into the distribution of civil service posts;
2. Verification of the establishment of equal opportunity committees in the public administration, pursuant to the contractual agreements for the period 1985-1987, in order to promote and support the initiatives which those committees are to carry out;
3. Verification of legislative norms and/or forms of conduct that have a discriminatory effect on the full achievement of gender equality in the civil service;
4. Research to verify the allocation of positions of responsibility;
5. Examination of member States' regulation of access to sectors affected by the application of rulings of the European Court of Justice.

In April 1988, pursuant to item 2, a review was undertaken of the progress made in establishing equal opportunity committees in State administration and bodies.

The aforementioned review was followed in July 1988 by a directive, addressed to State administration and bodies by the Minister for the Civil Service, which stressed the importance of the equal opportunity committees, and the corresponding activities provided for in the decrees implementing the contractual agreements for the public sector, and which noted that equal opportunity was an issue of international importance and that, at the European Community level in particular, information on the action taken by member States was requested by a special committee established for that purpose.

It was considered that the Commission's equal opportunity activities should also be mentioned specifically in the report to Parliament on the state of the public administration.

With particular reference to the data given in the aforementioned report under the heading "absenteeism", it was proposed that, in order to avoid putting a negative interpretation on justified absences from work, a distinction should be made between leave of absence for social reasons (maternity leave, military service, etc.), leave of absence for personal reasons (illness, spa treatments, etc.) and unjustified absences subject to loss of remuneration.

Other data required in the report (for instance, on training) should be broken down by sex in order to identify any causes of discrimination against female staff.

Preparatory work on the distribution of civil service posts continued in 1988 with a view, *inter alia*, to identifying any discrimination against female staff in the allocation of specific tasks which constitute an important addition to the normal functions of the job.

Lastly, on the basis of guidelines provided at the community level and in union agreements for the period 1985-1987, the monitoring board began to study a programme of affirmative action for the achievement of gender equality in the public sector. This programme is to receive inputs subsequently from the equal opportunity committees already operating in the various ministries. Proposals relating to this programme and to the distribution of posts mentioned above, which were formulated at the beginning of 1989, were conveyed to the Minister for Civil Service.

The issues of training and retraining and their decisive role in the labour market and the civil service were discussed at length, in line with the recommendations made by the European Community working group (in which one of the monitoring board's delegations took part) at its meeting on women in senior civil service positions held in the Netherlands on 6 and 7 June 1988. The conclusions reached by the working group offer guidance on the action to be taken by member States of the European Community. The commission's future activities will have to conform to those guidelines in the area of equal opportunity.

On the operational level, starting next year these activities will be assigned permanently to the third section, rather than the present inter-sectional group. Because of the need, raised repeatedly in plenary meeting, to reconsider the advisability of giving the commission an autonomous organizational structure at some later stage, the third section must now contribute functionally and organically to carrying out all the functions entrusted to the monitoring board.

For the period 1990-1991, the third section of the commission for monitoring expenditure flows, with the functions of a civil service monitoring board, has adopted the following programme:

1. Activation of the pilot survey into the distribution of civil service posts.

2. Verification of the establishment of equal opportunity committees in the public administration, pursuant to the contractual agreement for the periods 1985-1987 and 1988-1990, in order to promote and support the initiatives which those committees are to carry out.

3. A programme of meetings with the aforementioned committees, by like sectors, in order to build more stable links.

4. Verification of legislative norms and/or forms of conduct that have a discriminatory effect on the full achievement of gender equality in the civil service, and proposals for the amendment of legislation and the suppression of such conduct.

5. Examination of member States' regulation of access to sectors affected by the application of rulings of the European Court of Justice.

6. Proposals for establishing an institutionalized link between the National Commission for the Achievement of Equality between Men and Women in the Prime Minister's Office, the National Committee for the implementation of the principles of equal treatment and equality of opportunity between male and

female workers, attached to the Ministry of Labour, and the Department for Community Policy.

7. Request to participate, with observers, in meetings of the Standing Conference of Directors-General and of the heads of ministerial coordinating bodies.

8. Establish a presence in or information links with European Community bodies.

9. Analyse (including with the help of special research promoted jointly with the first section or entrusted to outside experts) the numbers of men and women in the various occupational groups and the gender disaggregated allocation of functions involving different or more senior groups, in order to verify the impact of such allocation on professional advancement in terms of the existence of any discrimination against women workers. This will be done with the help of separate, disaggregated data for each sector.

10. Acquisition of quantitative and qualitative data on the numbers of women in the civil service, for the preparation of the report to Parliament provided for in article 16 of Act No. 93 of 29 March 1983.

11. Study of issues relating to the various aspects of women's employment in the civil service, particularly entry mechanisms, organization of work, working conditions and environment, promotion, professional training and career development.

12. Proposals for affirmative action to improve human resources management in the public administration, paying particular attention to female staff.

With regard to this last item, most importantly, the following proposals have been made:

(a) That the composition of all organs, particularly examination boards for admission and/or promotion, should be such as to guarantee the balanced representation of men and women;

(b) That particular attention should be paid to training, inter alia, by preparing targeted vocational training projects, with possible access to the European Social Fund.

To this end, a special agreement will be put into effect with the School of Public Administration.

13. As part of the additional functions assigned by the Ministerial Decree of 18 October 1988, acquisition and analysis of data on employment in the Mezzogiorno, with particular reference to female employment and also to existing norms.

14. Publication of this programme in the quarterly bulletin of the Civil Service Department.

15. Initiatives conducive to early approval by Parliament of the bill on affirmative action and its application in the public administration.

#### Article 8

#### PARTICIPATION OF WOMEN IN REPRESENTATION OF THE STATE AT THE INTERNATIONAL LEVEL

#### Article 8

States Parties shall take appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Since the previous report, there has been a substantial increase in the numbers of women in the diplomatic service, although, for reasons of seniority, women have yet to reach the highest ranks. In this connection, we reproduce the following data referring to 1 January 1992.

#### PERSONNEL IN THE DIPLOMATIC SERVICE

	Total	Women
Ambassadors	32	-
Ministers plenipotentiary, class I	32	-
Ministers plenipotentiary, class II	159	3
Embassy counsellors	224	10
Legation counsellors	144	16
Legation first secretaries ) Legation secretaries) Diplomatic volunteers)	243	24

In January 1991, Italian staff working in international organizations were as follows:

Organization for Security and Cooperation in Europe:

23 staff members, of whom five were women (3 A-4s and 2 A-3s)

United Nations Educational, Scientific and Cultural Organization:

14 staff members, of whom four were women (1 P-5, 2 P-4s and 1 P-3)

United Nations:

62 staff members, of whom 13 were women (2 P-2s, 5 P-3s, 4 P-4s and 2 P-5s)

Food and Agriculture Organization of the United Nations:

126 staff members, of whom 37 were women (2 P-1s, 14 P-2s, 15 P-3s, 3 P-4s and 3 P-5s)

Council of Europe:

36 staff members (grade A), of whom 14 were women.

#### Article 9

#### QUESTIONS OF NATIONALITY

#### Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her

stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The new law on nationality, Act No. 91 of 5 February 1992, is due to enter into force on 15 August 1992. It contains no discriminatory provisions with regard to the nationality of men and women or the transmission of nationality to children.

This law confirms the earlier trend, described in the previous report, achieved through a long series of rulings issued by the Constitutional Court in relation to article 2 (6) and aimed at affirming the principle of equality among persons and within the family, including equality in respect of the transmission of nationality.

#### Article 10

#### QUALITY IN THE FIELD OF EDUCATION

#### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas, this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training,

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality,

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods,

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women,

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely,

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

As envisaged in the school contract, a Committee on Equality of Opportunity has been set up in the Ministry of Education .

At its meeting on 14 June 1989, the Committee defined the main criteria and elements of its programme of work.

Having adopted an advanced notion of "equality of opportunity", public education policies are focusing on two convergent areas. In the first area, an increasingly close link is being made between affirmative action policy and educational policies.

This relates explicitly to:

- The draft plan of action of the National Commission for the Achievement of Equality between Men and Women, set up in the Prime Minister's Office in 1986, mentioned in sections 5 to 10. Close cooperation with the National Commission is a priority of the Committee's programme of work.
- European Community policies, as established by the Equal Opportunities for Women and Men - Medium-Term Community Action Programme 1986-1990, by the recommendation of the Council of the European Communities of 13 December 1984 on the promotion of positive action for women (84/635/EEC), by the resolution of the Council and of the Ministers for Education containing an action programme on equal opportunities for girls and boys in education (85/C166/01) and by the many resolutions of the European Parliament.
- Global deliberations, as reflected in the recommendations of the World Conference organized by the United Nations in July 1985 at Nairobi.

Educational strategies and school policies have always been of fundamental importance to the question of the changing status of women in the modern world. From a brief historical perspective, it may be said that, as early as the eighteenth century, the issue of women's education and culture foreshadowed and, in specific ways, influenced the various strategies on the status of women which have come into play throughout the longest revolution, and that it has often served as the litmus test for real deficiencies. Women's access to culture, the nature and direction of education for women and girls, cultural support for a new concept of maternity (almost always more preached than practised and the cost-effectiveness, in the labour market, of the education gained are issues that have characterized women's struggles in recent centuries. Despite their limitations, the results achieved are still the most striking indication of the social consolidation of a diversified range of female images.

At a time of universal schooling, women's formal equality of access to education seems assured from the standpoint of both student and teacher; women have taken full advantage of the opportunities offered by the extension of compulsory schooling and account for a very high percentage of the increase in the demand for schooling at the senior secondary school and university levels.

In addition to quantitative equality, however, a fundamental qualitative issue remains open and pending.

The substantial equality of access to education, the prevalence of mixed classes and the consolidation of undifferentiated processes of school social integration for boys and girls represent a unique and in all respects highly positive revolution in the history of humankind. This revolution has taken

This is a social task that schools, by virtue of their function in society, cannot avoid and to which they must apply themselves, aware of the educational and cultural challenge that it presents. This task includes encouraging and validating current theoretical research, particularly by women.

The second area concerns the extensive female presence in teaching.

According to a view which has become widespread in feminist thinking, women's quantitative presence in teaching has not been matched by the emergence of a corresponding female social authority, even though the effect of that presence in terms of public awareness of the commitment made by women should be stressed. In line with a trend observed in the most diverse spheres in response to feminization processes, society seems to have reacted to the feminization of teaching by downgrading the prestige of the teaching profession. At a time when women are complaining about their absence from financial and political decision-making and from the cultural sphere, such a trend seems contradictory and needs to be overcome. The achievement of social equality for women must not be limited to securing a large female presence in schools; it must also involve questioning the relationship between the feminization of teaching and the role of the teaching profession as a cultural guide for our times. This was also clear from the most recent union contract, which led to the establishment of the Committee.

There has been no shortage of analyses into the relationship between the current characteristics of women's presence in the teaching profession and the educational scenario of gender neutrality mentioned earlier, are recognized that a system of teacher training which is overly attached to passive transmission and repetition is one reason why women's creativity and experience are inadequately reflected in the school culture. At all events, the Committee has identified, through these reflections, an aspect which has been stressed many times, namely, the link between an equal opportunity policy reformulated in a context so ambitious and so new that it goes beyond simply endorsing the male experience, and the provision of opportunities, conditions and guarantees for increasing the professional value of teachers by enhancing perceptions of the social productivity and prestige of the school system.

The range of actions suggested by such a conception of equal opportunity policy underlies the Committee's efforts to become an integral part of projects supported by the Ministry of Education. More specifically, the issues involved, which have already begun to evolve into possible areas for action and work by the Committee, can be listed as follows:

1. The introduction of issues related to the culture of equality into the definition or redefinition of teaching goals and curricula in the various types of schools: from those normally under discussion, such as guidelines for nursery schools and the new senior secondary schools, to those which, although recent, have not covered this aspect, such as elementary schools and junior secondary schools. The balance struck between general teaching requirements more in tune with the psychological aspects of education and the introduction of specific themes and information contents will clearly differ from one type of school to another and will have to be carefully measured.

European Social Fund, a formulation of the criteria of the European Community IRIS project is being suggested in order to introduce these initiatives.

6. The Committee has requested that the next national school conference take up these issues in a systematic manner. Consequently, as it F draw up its own document, it has put some initial proposals to the Minister.

7. Lastly, on the basis of its initial experience, the Committee will have to raise the question of optimum conditions for carrying out its own work, in close coordination with the deliberations planned by the National Commission for the Achievement of Equality between Men and Women with the various commissions established at the regional and local levels and with the parliamentary bills put forward on this point.

It should also be noted that on 21 and 22 November 1991, the Ministry of

Education convened a national study meeting on the topic: "Equality and discrimination, responsibility and prejudice: women in school administration".

This discussion is followed by some statistics on the presence of women in the central school administration, as well as some data on employment as a function of educational qualification.

There are a total of 1,565 women in the central school administration, out of a total of 2,951 serving employees.

This figure becomes interesting if we look at the lowest grades:

	M	W
Non-career auxiliary staff	175	69
Non-career executive staff	268	507
Non-career middle managers	144	676
Non-career senior managers	116	145
Managers (grade scheduled for abolition)	43	21
Inspectors	411	122
Directors	128	25

Table 1

		Number	Percentage
Italian population in 1990	M	27 684 000	48.6
	W	29 253 000	51.4
	M/W	56 937 000	100.0
Upper secondary school certificates awarded 1988-1989 academic year	M	198 768	47.7
	W	217 940	52.3
	M/W	416 708	100.0
University degrees awarded 1989 academic year	M	44 910	51.2
	W	42 804	48.8
	M/W	87 714	100.0

Source: ISTAT.

Table 2. Employed members of labour force by sex:1985-1990

	Number in thousands			Percentage		
	M	W	M/W	M	W	M/W
1985	13 982	6 753	20 735	67.4	32.6	100.0
1986	13 953	6 903	20 856	66.9	33.1	100.0
1987	13 845	6 991	20 836	66.4	33.6	100.0
1988	13 990	7 113	21.103	66.3	33.7	100.0
1989	13 851	7 153	21.004	65.9	34.1	100.0
1990	13 952	7 353	21.305	65.5	34.5	100.0

Labour force: persons aged 14 to 70, employed or seeking employment.

Source: ISTAT.

Table 3

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 4

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 5

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 6 Ratio of women/men in competitive examinations for directors and managers

	Men	Women	%Women
Senior Directors (4 latest examinations)			
Applications	121	32	20.9
Candidates	106	30	22.0
Passing	9	1	1.0
Directors (10 latest examinations)			
Applications	777	292	27.3
Candidates	509	182	26.3
Not passing	163	76	31.7
Passing	45	10	18.2
Qualified	21	6	22.2
Inspectors (21 latest examinations)			
Applicants	1 204	1 104	47.8
Candidates	375	523	58.2
Not passing	316	493	60.9
Average passing grade	37.9	38.7	-
Number passing	33	24	42.1
Non-career administrative directors and accountancy directors (9 latest examinations)			
Applications	729	1 169	61.5
Candidates	105	165	61.1
Not passing	52	87	62.5
Average passing grade	46.9	49.2	-
Passing	13	23	63.8
Qualified	33	53	61.6

Source: Personnel Department, Division III.

Table 7 Staffing of the Ministry of Education by region, grade and sex, 1991

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 8 Percentage distribution of staff of the Ministry of Education by region, grade and sex, 1991

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 9 Percentage distribution of staff of the Ministry of Public Education by region, grade and sex, 1991

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 10 Percentage of female staff in the Ministry of Education by region, grade and sex, 1991

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 11 Percentage of female staff, by grade, in the Ministry of Education and in all Ministries, 1991

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Table 12 Ratio of women/men in separations from service

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

Figures 1, 2, 3, 4 and 5

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

It is noteworthy that there is considerable interest in higher education, particularly at the university level. The following table provides information on the overall number of students enrolled at Italian universities, and the percentage of women students by faculty.

It was not possible at this time to reproduce the chart or table which appears here in the text, but you may obtain it by contacting the Division for the Advancement of Women directly.

#### Article 11

#### EQUALITY OF MEN AND WOMEN IN THE FIELD OF EMPLOYMENT

#### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings,

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment,

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training,

(i) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work,

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave,

(f) The right to protection of health and to safety in working conditions including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status,

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances,

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities,

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

In the employment field, the period from 1989 to mid-1990 was characterized by sweeping legislation and intensive collective bargaining with a view to implementing the principle of equality.

This principle, which is embodied in article 37 of the Constitution, was already specifically regulated by Act No. 903/1977, which was quoted a number of times and discussed at length in the initial report of the Government of Italy on the implementation of the Convention.

Moreover, while implementation of the Act over the past 10 years has shown its effectiveness for promoting and increasing recognition of the equality of rights and treatment of men and women in employment, it has also pointed up some gaps, particularly as regards the potential for effective legal action, and some inadequacies in eliminating obstacles which arise before a woman even arrives in the workplace.

With regard to the former, the positive impact of Act No. 903 is particularly evident in the steady increase in employment opportunities for women. In 1989, the female labour force passed the 8 million mark, representing over 36 per cent of the total labour force, while employed women accounted for nearly 34 per cent of the total employed population. These two ratios had never been observed in our country in the past.

With regard to the negative aspects, the common experience of the member countries of the European Community has shown the need to bolster anti-discrimination legislation with measures to overcome the de facto disparities that impede the attainment of genuine equality.

Moreover, in line with the EEC Recommendation of 13 December 1984 on the promotion of positive action for women, the Italian Parliament adopted the earlier-mentioned Act No. 125/1991 on affirmative action for the achievement of equality between men and women. This Act has some particularly important features, including:

- Legitimization of "reverse discrimination", defined as measures for women only, designed to remove de facto obstacles to the achievement of gender equality and equal opportunity. Affirmative action is encouraged by covering some or all of the corresponding costs;

- Improvement of procedural aspects. Article 4 of the Act, after reintroducing the concept of indirect discrimination, defined as "any prejudicial treatment resulting from the adoption of criteria which place workers of either sex at a proportionally greater disadvantage", partially

reverses the burden of proof: when the claimant has furnished sufficient evidence that he or she has suffered discrimination on grounds of sex, the author of the act or conduct in question must prove that there were valid reasons for the unequal treatment. The Act also admits so-called "statistical evidence, i.e., evidence of a situation which, from the statistical standpoint, is systematically prejudicial to one or other sex, as evidence of discrimination that would warrant reversing the burden of proof;

- Creation of the post of equality adviser (already provided for in the current laws governing regional and central employment commissions) at the provincial level, within the framework of district employment commissions. Equality advisers are responsible not only for monitoring compliance with the principles of equality, particularly as regards access to employment, but also for bringing legal action on behalf of female workers who have been discriminated against and class action suits where the workers who have been victims of discrimination are not immediately and directly identifiable;

- This entire body of law is backed by effective penalties (such as suspension of financial benefits, exclusion from bidding for public works contracts, etc.) likely to discourage employers from discriminatory conduct.

Under Act No. 149/1990 on the adaptation of the staffing of the State Forestry Rangers Corps, competitive examinations for this career were opened to women, who had previously been excluded, thereby eliminating the unequal treatment which had persisted because the Corps is organized like an army corps. In particular, the Act provides that conditions for admission to the competitive examinations must be established by decree, after hearing the opinion of the National Commission for the Achievement of Equality between Men and Women.

On the basis of various parliamentary proposals, Act No. 379 was adopted on 11 December 1990, providing for a maternity allowance to be paid to selfemployed professional women.

The Act supplements the implementation of EEC Directive 615 of 1986 on gender equality and the protection of self-employed women during pregnancy and motherhood. Act. No. 546/1987 had already provided for self-employed women (women farmers, craftswomen, women shopkeepers) to receive a maternity allowance for the period beginning two months before and ending three months after the birth of a child, fixed at the level of the contractual wage for women wageearners in the corresponding sectors payable by the social security system. This was done to discourage self-employed women from working immediately before and after giving birth. The allowance is also payable in the event of the adoption or foster placement of a young child.

Self-employed professional women are likewise paid an allowance, also for a total of five months, this time calculated on the basis of the occupational earnings declared to the income tax authorities during the previous year by the woman concerned. The allowance is paid by the autonomous fund of the respective professional association.

In the context of collective bargaining, the latest round of contract renewals supplemented the institutional organization of equality bodies. Such contracts generally provide for the establishment of equality commissions at various levels, including the company level, with responsibility for promoting affirmative action and for ensuring that discrimination does not occur.

The National Commission for the Achievement of Equality between Men and Women has had occasion to intervene in a number of cases, at the request of trade unions or other socio-political forces to which such discrimination has been reported.

It seems appropriate to focus particular attention on the action taken to eliminate discrimination in the context of a special form of family

community property in agriculture (known as the "rules") in use in certain parts of the Veneto region.

According to customs which go very far back in time, ownership of this community property and the rights associated with it, including those of external representation, were restricted to men and could be passed on only through the male line.

These rules have been amended and the head of household, whether male or female, is now recognized as the owner of the community property.

#### 11.1 Affirmative action

The year 1991 was a particularly fruitful one for women workers, not only because the positive trend in female employment was confirmed, but also because of the measures and policies adopted, which prompted positive expectations for the near future. The period of time between the discussion of the initial report on the implementation of the Convention and the present has been particularly productive from the standpoint of both legislative and legal initiatives aimed at achieving full and effective equality in the workplace between male and female workers and eliminating all direct or indirect discrimination.

Legislative action has been two-pronged: expansion of employment opportunities and promotion of functional activities for improving the skills and training of female workers.

The two basic laws adopted in this area (Act No. 125 of 1991 and Act No. 215 of 1992) dovetail with the policies already adopted with a view to implementing the principle of equality through the practical application of mechanisms and measures known as "affirmative action for women", in order to remove de facto obstacles to the achievement of equal opportunity. The provisions of Act No. 903 of 1977 were incorporated into these basic laws.

According to article 1 (2) of Act No. 125, affirmative action is aimed at:

(a) Eliminating the de facto disparities faced by women in education and vocational training, access to employment, career development, professional life and periods of mobility;

(b) Encouraging the diversification of women's career choices, in particular, and of training tools; and facilitating access to self-employment and to business and occupational training for self-employed women and business women;

(c) Eliminating such conditions, organization and distribution of work as have a differential impact on wage-earners according to their sex, to the detriment of training, career development or salaries and remuneration;

(d) Promoting the integration of women in professional activities and at levels in which they are underrepresented, particularly in high-technology sectors and at the leadership level;

(e) Promoting, inter alia, through a different organization of labour, working conditions and working hours, a balance between family and professional responsibilities and a fairer division of these responsibilities between the two sexes.

Affirmative action is expected to be promoted by equality and equal opportunity centres at the national, local and company level; by public and private employers; by vocational training centres; by trade unions and local authorities; and by the National Committee for the implementation of the principles of equal treatment and equality of opportunity between male and female workers, established within the Ministry of Labour and Social Security.

The National Committee is therefore recognized in law and, as confirmation of its fundamental role, is to be chaired by the Minister of Labour and Social Security.

Its members include representatives of labour and management, women's associations and movements, experts on the question and representatives of the public authorities.

The National Committee has the express obligation of taking all appropriate action for the elimination of discriminatory conduct and obstacles, not only in the area of information and awareness-building among the public at large and among the public and private sectors involved in equal opportunity policies but also in the more immediate area of monitoring the implementation of existing legislation and progress in the definition and implementation of affirmative action projects.

In this connection, it is worth mentioning article 6 of the Act, which states that the Committee shall take all appropriate action to ensure continuing equality of opportunity and, in particular, shall:

(a) Formulate proposals on general issues relating to the attainment of the goals of equality and equal opportunity and for the development and amendment of existing legislation that has a direct impact on women's working conditions;

(b) Inform and alert public opinion about the need to promote equal training and career opportunities for women;

(c) Promote the adoption of affirmative action by the public institutions responsible for employment policy and by the public and private sectors referred to in article 2;

(d) Give a majority opinion on the financing of affirmative action projects and monitor ongoing projects by ensuring their proper implementation and outcome;

(e) Draw up codes of conduct in order to specify rules of conduct that are consistent with equality and to detect manifestations, even indirect manifestations, of discrimination;

(f) Monitor the implementation of existing equality legislation;

(g) Propose solutions to collective disputes by encouraging the parties concerned to adopt affirmative action plans in order to eliminate longstanding discrimination and introduce equality of opportunity for female workers;

(h) Request the Labour Inspectorate to obtain, in the work place, information on the situation of male and female employment in terms of recruitment, training and career development;

(i) Promote adequate representation of women in national and local public bodies with jurisdiction in matters of employment and vocational training;

(1) Draft the report referred to in article 10.

The equality advisers provided for in Act No. 863/84 (as indicated in the initial report), which lays down their specific functions, means of action and powers, are also assigned an important role.

According to article 8 of Act No. 125, equality advisers are public employees and have the obligation to report to the judicial authorities any offences which come to their attention during the exercise of their functions. Equality advisers, at their respective levels, are members of the equality

bodies existing within local, regional and provincial authorities. In performing the