

## COMBATING VIOLENCE AGAINST WOMEN: A POLITICAL AND CULTURAL CHALLENGE<sup>1</sup>

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**Abstract:** The essay analyzes the evolution of international and European law on gender violence. It highlights the structural nature of this global phenomenon and focuses on the interplay between women's movements and gender mainstreaming.

**Keywords:** violence against women, gender violence, gender mainstreaming, feminism

### 1. VIOLENCE AGAINST WOMEN IN THE DEVELOPMENT OF INTERNATIONAL INSTITUTIONS

International institutions started addressing violence against women relatively late. In 1979 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations, but the reference to violence is marginal. The subsequent

Recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) put the issue of protecting women from violence more clearly on the agenda. In 1989 the Committee drew up the General Recommendation N. 12, in which it called on States to include in the Periodic Reports, required by the Convention as a means of monitoring the implementation of the guarantees, information on the laws and measures introduced at national level to protect women from all forms of violence in daily life and to provide them with assistance and services<sup>3</sup>. However, we had to wait for General Recommendation N. 19 of 1992 to see violence against women clearly included among the forms of discrimination. This Recommendation represents a turning point in international law on violence against women, since it defines a duty of due diligence on the part of States,

<sup>1</sup> This essay is an updated version in English of the essay published in Italian: LUCIA RE, *Contrastare la violenza nei confronti delle donne: una sfida politica e culturale*, in PAOLA FELICIONI, ALESSANDRA SANNA. EDS., *Contrasto a violenza e discriminazione di genere. Tutela della vittima e repressione dei reati*, pp. 5-22, Milano: Giuffrè, 2019.

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<sup>3</sup> See M. VIRGILIO, *La violenza contro le donne come forma di discriminazione*, in F. RESCIGNO, ED., *Percorsi di eguaglianza*, Turin, 2016, p. 124.

stipulating that, in the event that omissions are found by the authorities in their responses to concrete cases of violence and, in general, in the prevention and protection system put in place, States Parties are responsible for acts of violence committed by non-state actors<sup>4</sup>. The year following the adoption of this important Recommendation, the United Nations Conference was held in Vienna, and it brought to the adoption of a Declaration on the elimination of violence against women and the establishment of a Special Rapporteur on the subject.

The Declaration on the Elimination of All Forms of Violence against Women (DEVAW) was adopted on December 19, 1993 by United Nations General Assembly Resolution N. 48/104. It contains many of the main elements that would later be taken up by regional conventions on the subject, first and foremost the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in 1994 (the so-

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called Belém do Pará Convention). In particular, it is in the DEVAW of 1993 that there is for the first time a broad and detailed definition of violence against women, as including "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (art. 1)<sup>5</sup>.

The Declaration frames violence against women as a violation of fundamental rights and freedoms and an obstacle to the enjoyment of these same rights, and links it to other forms of discrimination against women, considering it, in line with the results of feminist thinking developed since the 1970s, as a manifestation of asymmetrical power relations between genders<sup>6</sup>. This inclusive and systematic approach to violence against women was also taken up at the Fourth United Nations World Conference on Women's Rights, held in Beijing in 1995, which is

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<sup>4</sup> On "due diligence" in matters of violence against women see I. BOIANO, *Femminismo e processo penale*, Rome: Ediesse, 2015, pp. 113-116; more generally on the obligations of States also on the basis of the European Convention on Human Rights (ECHR), see I. BOIANO, *Femminismo e processo penale*, cit., chapter 4.

<sup>5</sup> For the DEVAW text see [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21\\_declaration%20elimination%20vaw.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf)

<sup>6</sup> For an analysis see M. VIRGILIO, *La violenza contro le donne come forma di discriminazione*, cit., pp. 124-125.

regarded as a fundamental step towards international recognition of the so-called 'human rights of women'. Here for the first time, at UN level, violence against women was closely linked to policies aimed at achieving equality between men and women in all spheres, that is to say, to what from Beijing onwards would be called *gender mainstreaming*<sup>7</sup>. This approach also clearly orients the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) adopted in 2011, as well as the various Council of Europe recommendations that preceded it<sup>8</sup>.

The Explanatory Report to the Convention, at point 25 states that the Convention Preamble, in order to create a Europe free from violence against women: «(...) firmly establishes the link between achieving gender equality and the eradication of violence against women. Based on this premise, it recognises the structural nature of violence against women and that it is a

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manifestation of the historically unequal power relations between women and men. Consequently, the Preamble sets the scene for a variety of measures contained in the Convention that frame the eradication of violence against women within the wider context of combating discrimination against women and achieving gender equality in law and in fact. (...). At the same time the drafters wished to acknowledge that violence against women and domestic violence may be explained and understood in various manners at structural, group and individual levels. Violence against women and domestic violence are complex phenomena and it is necessary to use a variety of approaches in combination with each other in order to understand them»<sup>9</sup>.

The Istanbul Convention explicitly refers to international human rights law. First of all, the one developed within the Council of Europe: the 1950 European Convention on Human Rights (ECHR), the 1961 European Social

<sup>7</sup> The Beijing Platform for Action, point 202, states that: «Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively».

<sup>8</sup> For a detailed analysis of the vocabulary and "discursive framing" of these Recommendations from 2000 to 2009, see C.

BERTOLO, *Frame e rappresentazioni nella narrazione istituzionale europea*, in EAD., *La rappresentazione della violenza contro le donne dall'Europa all'Italia*, Padua: Cleup, 2011, pp. 35-103.

<sup>9</sup> COUNCIL OF EUROPE, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, <https://rm.coe.int/16800d383a>.

Charter (revised in 1996), the 2005 Council of Europe Convention on Action against Trafficking in Human Beings and the 2007 Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse. Also important is the reference to the case law of the European Court of Human Rights on violence against women. The Istanbul Convention also refers to the two International Covenants adopted by the UN which, together with the 1948 Universal Declaration of Human Rights, are considered as the foundation of international human rights law: the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). The Istanbul Convention therefore refers to the fundamental principles of humanitarian law, the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), with the two Additional Protocols of 1977, and the Statute of the International Criminal Court (2002).

As mentioned above, the path that led to the recognition of violence against women as a serious violation of human rights also includes, as the steps

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that most directly contributed to the development of the Istanbul Convention, the adoption of the UN Convention on the Elimination of All Forms of Discrimination against Women in 1979 (CEDAW) and its 1999 Optional Protocol, which regulates relations between States and the CEDAW Committee. Finally, the references to the 1989 UN Convention on the Rights of the Child and the 2006 UN Convention on the Rights of Persons with Disabilities should not be overlooked.

The frame of reference for combating violence against women in the international arena is therefore the protection of human rights, a framework which has long ignored gender differences and which has instead been called upon progressively to recognize them, both at international and regional level. At this last level, the Istanbul Convention is flanked by the aforementioned Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, known as the Maputo Protocol, adopted in 2003.

The process that has led international agencies to recognize male violence against women has seen the significant participation of women's associations<sup>10</sup>. This has encouraged the progressive translation of the results of feminist reflection on violence against women into standards, action plans and binding legal norms. Such violence has therefore been defined at international level as a complex phenomenon, linked to a long history of subordination of women, a history that still produces highly discriminatory effects. The emphasis has thus been placed on the transversal nature of the phenomenon, which manifests itself in the domestic sphere, in the workplace, in wider society and can be perpetrated or tolerated by state agents, both in times of peace and in times of war<sup>11</sup>.

The history of the fight against gender violence is therefore also a history of the struggle for rights acted by a plural subject: the women's movement(s). Violence against women

emerged as a problem when women were able to exercise their citizenship rights and thus bring out their demands, for centuries buried in a long history of individual suffering, *habitus* of acceptance and submission<sup>12</sup>, of rare individual rebellions<sup>13</sup>.

## 2. "GENDER" VIOLENCE

Although the documents and international legislation on violence against women are based on the analysis of the historical subordination of the female gender to the male gender in different social contexts, it should be noted that in the language of human rights and institutional campaigns on the subject, during the 2000s, a "neutralization" of the lexicon with which violence against women is referred to has progressively emerged. In fact, we have gone from the preeminence of the phrase "violence against women" to the reference to "gender violence". In fact, with the latter expression two different English expressions are often

<sup>10</sup> See the essays on the subject in D. OTTO, ED., *Gender Issues and Human Rights*, Cheltenham, Northampton: Elgar, 2013.

<sup>11</sup> See, for example, Article 3 of DEVAW and the Beijing Platform for Action, in particular the section on the diagnosis of violence against women (D).

<sup>12</sup> On the notion of *habitus* theorized by Pierre Bourdieu I will return later, see *below*, § 2.

<sup>13</sup> In Italy, the courage of a girl, Franca Viola, who refused to marry her rapist in 1967 and had him arrested, was of fundamental importance. Her act, instead of remaining the rebellion of a single woman against an oppressive system of power and violence, inaugurated a national debate on violence against women and was the first stage of a long journey towards a change of mentality and Italian laws on the subject.

confused: "gender violence" - used mainly in sociological literature, to indicate the fact that violence is linked to stereotypes, to the roles that society attributes to men and women - and "gender based violence", which is instead the expression used in some international norms. In particular, the latter locution is found in the Istanbul Convention to indicate the fact that the violence that the Convention aims to prevent and prosecute is precisely "gender based". While the expression "violence against women" highlights the fact that the victims are women, the expression "gender based violence" appears more precise in indicating how victimization occurs on the basis - because - of gender. At the same time, this expression opens up the possibility of considering not only women but also men (and, for both genders, minors) as victims of violence. It also seems more appropriate to refer to homosexual and transphobic violence.

As the European Institute for Gender Equality<sup>14</sup> reminds us: «“Gender-based violence” and “violence against women” are terms that are often used interchangeably as most gender-based violence is inflicted by men on women and girls. However, it is important to retain the “gender-based” aspect of the concept as this highlights the fact that violence against women is an expression of power inequalities between women and men». The Istanbul Convention clearly mentions these different aspects, using the expression «gender based violence against women». Article 3, letter d, states that: «“gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately»<sup>15</sup>.

Indeed, statistical data show that, worldwide, gender-based physical, psychological, sexual and economic violence is very much used by men against women and girls<sup>16</sup>. For this

<sup>14</sup> EIGE is the European Union agency responsible for promoting gender equality, including gender mainstreaming in all European Union policies and the resulting national policies, combating discrimination based on sex, and promoting European citizens' awareness of gender equality, see <http://eige.europa.eu/about-eige>.

<sup>15</sup> In order to understand the integrated and particularly advanced approach of the Convention, one can read, in addition to Article

3 which deals with the definition of violence against women, all the articles that make up its first chapter, dedicated to "Purposes, definitions, equality and non-discrimination, general obligations".

<sup>16</sup> See on this point the *Explanatory Report to the COUNCIL OF EUROPE Convention on preventing and combating violence against women and domestic violence*, cit. For Italy, the last survey on the subject was conducted by the National Institute of Statistics (ISTAT) in 2014



reason, some feminist theorists, but also some lawyers and activists engaged in the battle against gender based violence prefer, when referring to this type of violence as a social phenomenon, the expression "male violence against women" and some add "male heterosexual violence against women". The clarification stems from the need to emphasize that violence against women is not one of the many possible manifestations of individual violence, but - as the Istanbul Convention underlines - it is rooted in an asymmetry of power, which affects even the most intimate sphere of sexual and family relationships.

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and was published in 2015. The result is a picture of widespread violence against women. According to the survey, carried out with sample interviews, in Italy "6 million 788 thousand women have suffered in the course of their lives some form of physical or sexual violence, 31.5% of women between 16 and 70 years old: 20.2% have suffered physical violence, 21% sexual violence, 5.4% more serious forms of sexual violence such as rape and attempted rape. There are 652,000 women who have suffered rape and 746,000 victims of attempted rape" (ISTAT, *La violenza contro le donne dentro e fuori la famiglia. Anno 2014*, Rome, June 5, 2015, [https://www.istat.it/it/files/2015/06/Violenze\\_contro\\_le\\_donne.pdf](https://www.istat.it/it/files/2015/06/Violenze_contro_le_donne.pdf), p. 1). Violence is acted mainly by partners and ex-partners, even on minors (10.6% of women have suffered sexual violence before the age of 16), see ISTAT, *La violenza contro le donne dentro e fuori la famiglia. Anno 2014*, cit. The Italian survey coincides - for the quantity and quality of violence suffered by women - with data collected in other EU countries. See the data processed by the different national administrative agencies, accessible from the EIGE website (see

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It is no coincidence that the first forms of violence against women that were brought to the attention of public discourse - and it should be noted that this happened very late in human history - were sexual violence (in particular rape) and domestic violence (violence in the family). Such forms of violence - at that time but still today, even if partly in a new way - are linked to the status of women as "property" of men within relationships that we could define as "patriarchal", i.e. inherent to a society based on the systematic inferiorization of women<sup>17</sup>. This is what the sociologist, Pierre Bourdieu, has defined "masculine domination", based not only on

[https://eige.europa.eu/gender-based-violence/administrative-data-sources/search?c\[\]=IT&type\[\]=administrative\\_data\\_source](https://eige.europa.eu/gender-based-violence/administrative-data-sources/search?c[]=IT&type[]=administrative_data_source)). In addition to ISTAT data, for Italy, see the data published by the anti-violence centers (see <https://www.direcontrolaviolenza.it/dati/>).

<sup>17</sup> For an analysis of the notion of patriarchy and its relevance, see D. MORONDO TARAMUNDI, *Una sonda en el post-patriarcado: el debate sobre emancipación y libertad femenile en el feminismo italo-español*, in *Gênero & Direito*, 2015, IV, 2, pp. 14-34 and P. PERSANO, *Patriarcato in-essenziale e soggettività nella teoria critica femminista*, in AA.VV., *La soggettività politica delle donne. Appunti per un lessico critico*, edited by O. GIOLO and L. RE, Rome: Aracne, 2014, pp. 105-122. On women as an object of exchange and property of men within traditional family relationships there is a wide literature, starting from the well-known analysis by Claude Lévi-Strauss in *Les structures élémentaires de la parenté*, Paris: Puf, 1949. On how these "exchanges" have changed today, see F. BIMBI, *Corpi, genere, violenza sulle donne*, in AA.VV., *Violenza contro le donne. Formazione*

mechanisms of overt oppression and/or discrimination, but also on a deeply androcentric<sup>18</sup> collective unconscious. Physical, sexual, psychological and economic violence against women is made possible, according to this analysis, by the omnipresence in society of a "symbolic violence" exercised against women, a less visible violence that is internalized and largely accepted by women themselves as a *habitus*.

The *habitus* are in Bourdieu's sociology unconscious models that function as "matrices of the perceptions, thoughts and actions of all members of society"<sup>19</sup>. They impose themselves on individual social actors as transcendent, objective, naturalized schemes<sup>20</sup>. In the case of "masculine domination", which for Bourdieu is exercised primarily through the division of productive and reproductive labor between genders, women themselves "incorporate" the relationship of domination, reproducing

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a symbolic order that is based on a prejudice that is unfavorable to them and thus contributing to the symbolic violence of which they themselves are victims. As Franca Bimbi has made clear, in the contemporary era, marked by modern discourse on universal rights and equal opportunities policies, such violence "lies between what we allow without realizing it and what we intimately disagree with without being able to represent it"<sup>21</sup>. Physical, sexual, psychological and economic violence against women is based, that is, on a substratum, which allows its normalization and/or minimization.

One could argue that this is no longer the case and that the international documents repeatedly referred to and the numerous institutional campaigns on the subject are proof that there has been "progress". And yet, the data on reported crimes of violence and femicides<sup>22</sup> clearly show how difficult and slow it is

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*di genere e migrazioni globalizzate*, edited by F. BIMBI and A. BASAGLIA, Milano: Guerini e Associati, 2010, pp. 21-33, in particular pp. 31-32.

<sup>18</sup> Cf. P. BOURDIEU, *La domination masculine*, Paris: Seuil, 1998.

<sup>19</sup> P. BOURDIEU, *La domination masculine*, cit., p. 39. My translation.

<sup>20</sup> P. BOURDIEU, *La domination masculine*, cit., p. 39.

<sup>21</sup> F. BIMBI, *Corpi, genere, violenza sulle donne*, cit., p. 33.

<sup>22</sup> See footnote 16 above. The ISTAT survey of 2014 found that, from 2006 to 2014, there was a slight decrease in minor violence, while more serious violence increased. In Italy the number of femicides - neologism indicating the killing of a woman motivated by her belonging to the female gender - is high. In 2018 142 women were killed for reasons related to gender-based violence and domestic violence (see EURES, *VI Rapporto sui femminicidi in Italia*, Rome, 2019, <https://www.eures.it/sintesi-femminicidio-e-violenza-di-genere-in-italia/>). The Report is published annually on November



to change the *habitus*. But, more trivially, it is enough to look around to see in the language, in social, visual and linguistic communication, the traces of this collective unconscious that contributes to fuel and justify gender-based violence<sup>23</sup>. This does not mean that we must look at women as victims, without agency. On the contrary, it is precisely women, in movements and/or as individuals, who have constantly

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denounced gender violence, who have achieved legal reforms and who today are calling for a radical change in culture<sup>24</sup>.

We therefore live in an age of contradictions, in which the process of liberating women from patriarchal oppression does not seem to have come to an end<sup>25</sup>. Some authors have even spoken of a backlash, both in the sense of a desire to go back on the achievements

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25, on the occasion of the International Day for the Elimination of Violence against Women). 119 of these victims were killed by a relative. This is a significant percentage of the total number of homicides recorded in Italy which is constantly declining. In 2016, for instance, 396 homicides were recorded and, among them, 120 were femicides. As we said, the total number of homicides has been declining for years, while femicides have increased slightly. For data on the progressive decline in homicides, see M. BARBAGLI and A. MINELLO, *L'inarrestabile declino degli omicidi*, in *La voce.info*, <http://www.lavoce.info/archives/46798/inarrestabile-declino-degli-omicidi/>. See also the data periodically published by ISTAT on its website ([www.istat.it](http://www.istat.it)) and in the Annual Reports, cf., for example, ISTAT, *Il benessere equo e sostenibile in Italia*, Rome, 2016, [https://www.istat.it/it/files/2019/12/Bes\\_2019.pdf](https://www.istat.it/it/files/2019/12/Bes_2019.pdf), chapter 7. No official data are available for femicides, but only those collected by anti-violence centers, EURES and news agencies that screen the stories of women killed, published in local and national media or collected by the centers themselves, to assess whether they are gender-based killings (see for example <http://www.inquantodonna.it/>). However, since 2018, ISTAT started to publish some data and analyses on its website commenting on the criminal records of the Ministry of the Interior, cf. ISTAT, *Omicidi di donne* (<https://www.istat.it/it/violenza-sulle-donne/il-fenomeno/omicidi-di-donne>).

<sup>23</sup> See E. GIOMI AND S. MAGARAGGIA, *Relazioni brutali: genere e violenza nella cultura mediale*, Bologna: il Mulino, 2017.

<sup>24</sup> Think of the transnational movement Niunamenos (<https://niunamenos.org.ar/>) very much participated in Italy (<https://nonunadimeno.wordpress.com/tag/niunamenos/>), the Womens' March in the United States (<https://womensmarch.com/>) or the international movement #MeToo that has allowed to tear the veil on sexual harassment in different social environments and in different countries, starting from cinema and entertainment (on the awakening of liberal feminism in the United States cf. the book by the Italian journalist Tiziana Ferrario, *Orgoglio e pregiudizi. Il risveglio delle donne ai tempi di Trump*, Milano: Chiarelettere, 2017; on the #MeToo movement cf. I. DOMINIANNI, *Parlano le donne parlano*, Introduzione all'incontro di Via Dogana, 3, <https://www.libreriadelledonne.it/puntodivista/parlano-le-donne-parlano-ida-dominijanni/>).

<sup>25</sup> Contrary to what had been claimed by some important Italian feminists (cf. LIBRERIA DELLE DONNE DI MILANO, *È accaduto non per caso*, in *Sottosopra rosso*, January 1996) we did not see the end of patriarchy but a re-proposal of it in new forms, in an era which has therefore been defined as neo-patriarchal or post-patriarchal and in which some instances of feminism seem to have been accepted, others have been "domesticated" (cf. I. DOMINIANNI, ED., *Un/domesticated Feminism*, Special Issue, *Soft Power Euro-American Journal of Historical and Theoretical Studies of Politics*, 2017, IV, 2), others still remain substantially unheard.

obtained by feminism<sup>26</sup>, and in the real sense of a backlash, caused by the crisis of traditional models, which would favor the explosion of violence, particularly the most serious violence<sup>27</sup>.

### 3. VIOLENCE AGAINST WOMEN AND "MASCULINE DOMINATION".

The "masculine domination", of course, is not always the same it used to be in the past and has been strongly challenged since the second half of the twentieth century by feminist movements, but it has been transformed and "adapted" to changing customs and social organization<sup>28</sup>. As many scholars have argued, violence against women lies at the very foundations of many "civilizations", starting from what is called "Western civilization". Think of the founding myth of Rome, based on the rape of the Sabine women, a kidnapping

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and mass rape, "repaired" through a series of forced marriages, thus allowing the birth of the "Roman lineage". This is a myth in which, as Annarita Angelini pointed out, the victims are treated as guilty because they seduced the Romans with their beauty. They internalize the guilt, offering themselves in holocaust in order to avoid war between the Sabine fathers and the Roman husbands<sup>29</sup>. Many other examples could be given, from the misogynistic fairy tales we still read to our daughters, to the opera repertoire, full of examples of femicide<sup>30</sup>. Finally, much could be said of the still widespread belief that love necessarily implies complementarity or that it identifies with the possession of the beloved, which makes it difficult for many men to fully accept the emancipation of women and, in particular, their emotional autonomy<sup>31</sup>.

<sup>26</sup> Cf. S. FALUDI, *Backlash. The Undeclared War Against American Women*, New York: Crown Publishing Group, 1991.

<sup>27</sup> For an analysis of this kind see T. PITCH, *Qualche riflessione attorno alla violenza maschile contro le donne*, in *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2008, III, 2, pp. 7-13. As said, the fact that, at least in Italy, violence against women in its most serious forms does not diminish has been recorded by the ISTAT survey, see note 16 above.

<sup>28</sup> See O. GIOLO, *Conclusions: adaptive patriarchy and women's political subjectivity*, in *Gênero & Direito*, 2015, IV, 2, pp. 183-200.

<sup>29</sup> Angelini refers in particular to *Ab Urbe condita* by Titus Livy and the life of Romulus

narrated by Plutarch (cf. A. ANGELINI, *Eva, le Sabine, Fiorella e le altre: un problema di (in)civiltà*, in AA.VV., *Lasciatele vivere. Voci sulla violenza contro le donne*, edited by V. BABINI, Bologna: Pendragon, 2017, pp. 11-22).

<sup>30</sup> Cf. C. CLEMENT, *L'Opéra ou la défaite des femmes*, Paris: Grasset, 1979.

<sup>31</sup> On this reflection, which can only be mentioned here, but which appears central to identify cultural and educational strategies capable of defeating violence against women, I refer to the thought of two theorists of Italian feminism, Lea Melandri, particularly in *Amore e violenza. Il fattore molesto della civiltà*, Turin: Bollati Boringhieri, 2011 and Elena Pulcini, in particular in *Il potere di unire. Femminile, desiderio, cura*, Turin: Bollati Boringhieri, 2003.

Violence against women, like the patriarchal system, is therefore a universal, persistent phenomenon, which nevertheless takes different forms in space and time: different are the manifestations of violence and different is the perception of the phenomenon, both collective and individual (of victims and perpetrators). For this reason, all international documents on violence against women stress the need to modify the cultural and social models of behavior that favor the spread of violence against women, models that, according to Bourdieu's intuition, are followed by both men and women<sup>32</sup>.

#### 4. THE ROLE OF GENDER MAINSTREAMING

To place violence against women within the framework of human rights and, at the same time, to isolate it from other forms of violence for which there is no gender bias is therefore an important step. Since the adoption of the aforementioned international documents, there have been some significant consequences, both as

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regards the adoption of policies to combat violence against women in the various States that have ratified the international conventions on the subject, and also on the part of the European Union<sup>33</sup>. More attention to the issue was given also in the public debate, the media and society in general. However, this framework also poses some problems that are worth mentioning.

The first problem applies to all gender mainstreaming policies. These are a very significant tool for the protection of women's rights and the rebalancing of gender relations. However, if they are not constantly regenerated by "bottom-up" policies and strategies, they risk being, on the one hand, too generic - thus opening up the possibility of downward adjustments by national authorities - and, on the other hand, bearers of an ethnocentric universalism typical of what has been called "white feminism" or "elite feminism", which omits and in some cases stigmatizes the point of view of non-Western and non middle-class<sup>34</sup>

<sup>32</sup> See for example Article 8 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

<sup>33</sup> See in particular Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing rules on the rights, support and protection of victims of crime.

<sup>34</sup> This criticism has been made by authors who are identified with "postcolonial feminism", cf. in particular C. T. MOHANTY, *Under Western Eyes. Feminist Scholarship and Colonial Discourses*, in *Boundary 2*, 1988, XII, n. 3, pp. 333-358. See also F. BIMBI, *Prefazione*, in C. BERTOLO, *La rappresentazione della violenza contro le donne*, cit., pp. 9-10.

women. For rights to be effective, it is necessary that the design and implementation of gender mainstreaming policies, including those against violence, be entrusted primarily to communities and grassroots movements<sup>35</sup>, mainly those formed and managed by women<sup>36</sup>. And this is even more true in those places or communities that do not consider the State to be a legitimate actor to intervene, because it is perceived as distant, or even colonizing, hostile or involved in various forms of violence against women<sup>37</sup>.

A second problem, linked to the first, concerns the risk that, among the policies to implement gender mainstreaming in the field of violence against women, only criminal policies

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and, subordinately, urban security policies be perceived as 'strong reactions' by States (and even as the cheapest measures to implement)<sup>38</sup>. Despite the complexity of the definition of violence against women in the international arena, it often happens that the prevailing policies, if not the only ones, adopted at the state level end up interpreting gender based violence only as a criminal phenomenon. This causes significant problems, both in the implementation of an effective prevention of violence against women - which, as is clear from the approach chosen by the Istanbul Convention, can only be achieved by privileging primary prevention, with

<sup>35</sup> Cf. M. VERLOO, *Multiple Meanings of Gender Equality. A Critical Frame Analysis of Gender Policies in Europe*, Central European University Press, Budapest-New York, 2007. See also M. CATTARULLA, *How to Mainstream Gender?*, in *Jura gentium*, 2016, XIII, n. 2, pp. 86-119.

<sup>36</sup> This has happened for example in Italy with the creation of the Anti-Violence Centers and their commitment both to the victims of gender-based violence and to raising awareness of institutions and society in general on violence against women, sexism and gender discrimination. On this point see G. CREAZZO, *La costruzione sociale della violenza contro le donne in Italia*, in *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2008, III, n. 2, pp. 15-42; S. ZACCARIA, *La risposta alla violenza di genere: la casa delle donne per non subire violenza*, in AA.VV., *Percorsi di eguaglianza*, edited by F. RESCIGNO,

cit., pp. 155-166 and I. BOIANO, *Femminismo e processo penale*, cit.

<sup>37</sup> Rita Laura Segato's studies on violence against women in South America, with particular reference to the cases of Mexico and Brazil, are significant in this sense (see R. L. SEGATO, *La guerra contra las mujeres*, Madrid: Traficante de sueños, 2016).

<sup>38</sup> See on this point the Call for papers edited by L. RE and M. VIRGILIO for the Conference on *Quali politiche per la sicurezza?*, Università degli studi di Perugia, Regione Umbria, *Studi sulla questione criminale*, Umbria Region, *Studies on the Criminal Question*, Perugia 14-15 November 2014. This call gave rise to the discussion forum published on the website of the journal *Jura gentium*, entitled *Violenza maschile contro le donne e politiche delle sicurezze*, edited by L. RE and M. VIRGILIO, 2016, <http://www.juragentium.org/forum/violenzadonne/index.html>

educational and social<sup>39</sup> interventions - and in bringing the phenomenon back to the paradigm of deviance, for which violence against women is reduced to individual acts of violence and attention is focused on the characteristics of the perpetrator and those of the victim. In this framework, as Franca Bimbi has underlined on several occasions, violence against women is interpreted as the result of an individual pathology of the perpetrator of the violence (when not - at least also - of the victim), or as the expression of backward cultures, unable to respect women (think of the so-called "honor crimes" or forced marriages)<sup>40</sup>. Violence against women is thus traced back to precise personal responsibilities, according to the logic of the criminal trial, or to the customs considered "barbaric" of "foreign" communities. In turn, the victim is isolated from the wider group of women - all of whom are largely and transversally affected by the

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phenomenon of gender violence, as the statistical data show with reference to different countries - and their character, habits and personal history are often studied, with the aim of finding in them the cause - if not even the fault - of the violence suffered<sup>41</sup>.

While the general framework of gender mainstreaming policies refers to women as a group exposed to violence and, more generally, to various forms of discrimination, often the operational measures defined in national policies - and sometimes also those adopted at local level - refer to individual victims and mainly encourage the provision of instruments for protecting victims and punishing criminals<sup>42</sup>. This obscures the reference to the asymmetry of power between men and women, to the universal and structural nature of this asymmetry and, even more so, to the complex picture of symbolic violence

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<sup>39</sup> See P. PAROLARI, *La violenza contro le donne come questione (trans)culturale. Osservazioni sulla Convenzione di Istanbul*, in *Diritto e questioni pubbliche*, 2014, pp. 864-868.

<sup>40</sup> See F. BIMBI, *Corpi, genere, violenza sulle donne*, cit. These issues are also discussed by P. PAROLARI, *La violenza contro le donne come questione (trans)culturale. Osservazioni sulla Convenzione di Istanbul*, cit., *passim*.

<sup>41</sup> In Italy, this still happens very frequently today in courtrooms and sometimes even before the trial, when social services or police forces intervene, see for example I.

BOIANO, *Femminismo e processo penale*, cit., in particular chapters 5 and 6. There are numerous cases, both dating back to the past and very recent, in which the victim has been blamed for her behavior, suffering what is widely recognized in scientific literature and international norms as a serious phenomenon of "secondary victimization". Some dramatic testimonies are reported in A. ANGELINI, *Eva, le Sabine, Fiorella e le altre*, cit.

<sup>42</sup> See C. BERTOLO, *La rappresentazione della violenza contro le donne*, cit., in particular p. 68.



against women (both Western and non-Western).

This gives the state and the police forces the task of “saving” women, a task that can never be completely fulfilled. It also prevents the formation of an awareness of the need to carry out a more radical transformation of society, which can only involve language and imagination, affective and social relations, the deconstruction of violent models of identity and relationships, economic relations, and the revaluation of the work of reproduction and care. It is a transformation that needs time and a lot of work and that does not fit the lexicon used by many media campaigns against violence, based on the idea that there is an “emergency”, that violence against women can be a phenomenon to “eradicate” once and for all and promptly<sup>43</sup>.

Finally, the importance of prevention work carried out by non-state agencies that are underfunded - this is the case of anti-violence centers in Italy -

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and welfare agencies (school, social services, health services) is overlooked.

The result of such choices can only be a very partial contrast to violence against women. All the more so because, in order to fight it, one has to work not only on speech, but also on practices, since it is in these that the collective unconscious often manifests itself as an obstacle to the ability to identify and combat violence against women<sup>44</sup>. Think of professional cultures, specialisms, administrative protocols that can make it difficult to identify such a complex phenomenon, or the resistance to abandon gender stereotypes, which obscure the identification and understanding of the dynamics of violence, or, finally, the problems that arise when it is required to network knowledge, to create spaces for listening and confrontation of individual and collective experiences of women<sup>45</sup>.

Some Italian anti-violence centers, sometimes supported by local authorities, have in recent decades tried to carry out this complex work, adopting

<sup>43</sup> See C. BERTOLO, *La rappresentazione della violenza contro le donne*, cit., pp. 67-68.

<sup>44</sup> See C. BERTOLO, *La rappresentazione della violenza contro le donne*, cit., in particular Introduction.

<sup>45</sup> For a comprehensive interpretation of the manifestation of violence against women at Italian and international level see L. RE, E. RIGO,

M. VIRGILIO, EDS., *Le violenze maschili contro le donne: complessità del fenomeno ed effettività delle politiche di contrasto*, Special Issue, *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2019, XIV, 1-2.



an all-encompassing approach to violence against women, and some feminist movements have also done so, despite the contradictions and conflicts that have always characterized the plural political subjectivity of women. The Niunamenos movement, born in Argentina, has had particular strength in Italy over the last years and it has come to elaborate a *Feminist plan on male violence against women and gender violence*, based on the "sharing of individual and collective experiences, knowledge and practices of resistance"<sup>46</sup>. In order to change the reality of violence against women, we must continue - stubbornly and patiently - along this path, integrating policies with politics and developing a social awareness that is both widespread and profound.

### References:

ANGELINI, ANNARITA, *Eva, le Sabine, Fiorella e le altre: un problema di (in)civiltà*, in AA.VV., *Lasciatele vivere. Voci sulla violenza contro le donne*, edited by V. BABINI, Bologna: Pendragon, 2017, pp. 11-22.

BARBAGLI, MARZIO, MINELLO, ANNALISA, *L'inarrestabile declino degli omicidi*, in *La voce.info*, <http://www.lavoce.info/archives/46798/1-inarrestabile-declino-degli-omicidi/>.

BIMBI, FRANCA, *Corpi, genere, violenza sulle donne*, in AA.VV., *Violenza contro le donne. Formazione di genere e migrazioni globalizzate*, edited by F. BIMBI and A. BASAGLIA, Milano: Guerini e Associati, 2010, pp. 21-33.

BERTOLO, CARLA, *La rappresentazione della violenza contro le donne dall'Europa all'Italia*, Padua: Cleup, 2011.

BOIANO, ILARIA, *Femminismo e processo penale*, Rome: Ediesse, 2015.

BOURDIEU, PIERRE, *La domination masculine*, Paris: Seuil, 1998.

CATTARULLA, MARTINA, *How to Mainstream Gender?*, in *Jura gentium*, 2016, XIII, n. 2, pp. 86-119.

<sup>46</sup> NONUNADIMENO, *Piano femminista contro la violenza maschile sulle donne e la violenza di genere*, p. 4, <http://nonunadimeno.wordpress.com>. For an analysis see T. MONTELLA, S. PICCHI, S.

FIORLETTA, *Il piano femminista contro la violenza di genere dalla performatività dei corpi alla presa di parola: il movimento femminista Non Una Di Meno in Italia*, in *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2019, XIV, 1-2, pp. 259-276.

CLEMENT, CATHERINE, *L'Opéra ou la défaite des femmes*, Paris: Grasset, 1979.

COUNCIL OF EUROPE, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, <https://rm.coe.int/16800d383a>.

CREAZZO, GIUDITTA, *La costruzione sociale della violenza contro le donne in Italia*, in *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2008, III, n. 2, pp. 15-42.

DOMINIJANNI, IDA, *Parlano le donne parlano*, Introduzione all'incontro di Via Dogana, 3, <https://www.libreriadelledonne.it/punto-divista/parlano-le-donne-parlano-ida-dominijanni/>

DOMINIJANNI, IDA, ED., *Un/domesticated Feminism*, Special Issue, *Soft Power Euro-American Journal of Historical and Theoretical Studies of Politics*, 2017, IV, 2.

EURES, *VI Rapporto sui femminicidi in Italia*, Rome, 2019, <https://www.eures.it/sintesi->

[femminicidio-e-violenza-di-genere-in-italia/](https://www.eures.it/sintesi-femminicidio-e-violenza-di-genere-in-italia/)

FALUDI, SUSAN, *Backlash. The Undeclared War Against American Women*, New York: Crown Publishing Group, 1991.

FERRARIO, TIZIANA, *Orgoglio e pregiudizi. Il risveglio delle donne ai tempi di Trump*, Milano: Chiarelettere, 2017.

GIOLO, ORSETTA, *Conclusions: adaptive patriarchy and women's political subjectivity*, in *Gênero & Direito*, 2015, IV, 2, pp. 183-200.

GIOMI, ELISA, MAGARAGGIA, SVEVA, *Relazioni brutali: genere e violenza nella cultura mediale*, Bologna: il Mulino, 2017.

ISTAT, *La violenza contro le donne dentro e fuori la famiglia. Anno 2014*, Rome, June 5, 2015, <https://www.istat.it/it/files/2015/06/Violenzecontroledonne.pdf>

ISTAT, *Il benessere equo e sostenibile in Italia*, Rome, 2016, <https://www.istat.it/it/files/2019/12/Bes2019.pdf>

ISTAT, *Omicidi di donne*,  
<https://www.istat.it/it/violenza-sulle-donne/il-fenomeno/omicidi-di-donne>

LEVI-STRAUSS, CLAUDE, *Les structures élémentaires de la parenté*, Paris: Puf, 1949.

LIBRERIA DELLE DONNE DI MILANO, *È accaduto non per caso*, in *Sottosopra rosso*, January 1996.

MELANDRI, LEA, *Amore e violenza. Il fattore molesto della civiltà*, Turin: Bollati Boringhieri, 2011.

MOHANTY, CHANDRA, TALPADE, *Under Western Eyes. Feminist Scholarship and Colonial Discourses*, in *Boundary 2*, 1988, XII, n. 3, pp. 333-358.

MONTELLA, TATIANA, PICCHI, SARA, FIORLETTA, SERENA, *Il piano femminista contro la violenza di genere dalla performatività dei corpi alla presa di parola: il movimento femminista Non Una Di Meno in Italia*, in *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2019, XIV, 1-2, pp. 259-276.

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MORONDO TARAMUNDI, DOLORES, *Una sonda en el post-patriarcado: el debate sobre emancipación y libertad femenile en el feminismo italo-español*, in *Gênero & Direito*, 2015, IV, 2, pp. 14-34.

NONUNADIMENO, *Piano femminista contro la violenza maschile sulle donne e la violenza di genere*, <http://nonunadimeno.wordpress.com>.

OTTO, DIANNE, ED., *Gender Issues and Human Rights*, Cheltenham, Northampton: Elgar, 2013.

PAROLARI, PAOLA, *La violenza contro le donne come questione (trans)culturale. Osservazioni sulla Convenzione di Istanbul*, in *Diritto e questioni pubbliche*, 2014, pp. 864-868.

PERSANO, PAOLA, *Patriarcato in-essenziale e soggettività nella teoria critica femminista*, in AA.VV., *La soggettività politica delle donne. Appunti per un lessico critico*, edited by O. GIOLO and L. RE, Rome: Aracne, 2014, pp. 105-122.

PITCH, TAMAR, *Qualche riflessione attorno alla violenza maschile contro le donne*, in *Studi sulla questione*

*criminale. Nuova serie di Dei delitti e delle pene*, 2008, III, 2, pp. 7-13.

PULCINI, ELENA, *Il potere di unire. Femminile, desiderio, cura*, Turin: Bollati Boringhieri, 2003.

RE, LUCIA, VIRGILIO, MARIA (MILLI), *Violenza maschile contro le donne e politiche delle sicurezze*, 2016, <http://www.juragentium.org/forum/viole nzadonne/index.html>

RE, LUCIA, RIGO, ENRICA, VIRGILIO, MARIA (MILLI), EDS., *Le violenze maschili contro le donne: complessità del fenomeno ed effettività delle politiche di contrasto*, Special Issue, *Studi sulla questione criminale. Nuova serie di Dei delitti e delle pene*, 2019, XIV, 1-2.

SEGATO, RITA, LAURA, *La guerra contra las mujeres*, Madrid: Traficante de sueños, 2016.

VERLOO, MIEKE, *Multiple Meanings of Gender Equality. A Critical Frame Analysis of Gender Policies in Europe*, Central European University Press, Budapest-New York, 2007.

VIRGILIO, MARIA (MILLI), *La violenza contro le donne come forma di*

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*discriminazione*, in AA.VV., *Percorsi di eguaglianza*, edited by F. RESCIGNO, *Percorsi di eguaglianza*, Turin, 2016, pp. 121-132.

ZACCARIA, SUSANNA, *La risposta alla violenza di genere: la casa delle donne per non subire violenza*, in AA.VV., *Percorsi di eguaglianza*, edited by F. RESCIGNO, *Percorsi di eguaglianza*, Turin, 2016, pp. 155-165.