



**AALBORG UNIVERSITET**

# Challenging Patriarchy: Italy's Legislative Initiatives Against Gender-Based Violence through a Liberal Feminist Lens.

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## **Abstract**

This research will explore Italy's legislative measures against gender-based violence (GBV), examining the roles societal attitudes and international frameworks play in shaping the outcomes. Despite significant legislative efforts, including the ratification of the Istanbul Convention and the introduction of the "Red Code" law, the prevalence of GBV in Italy remains alarmingly high. This study employs a qualitative case study methodology, focusing on Italy to uncover the intricate interplay that shapes gender violence dynamics. The central research question guiding this study is: What factors contribute to the persistence of GBV in Italy despite actions aimed at its eradication? The research synthesizes insights from legal, cultural, and socio-economic perspectives, aiming to contribute to the ongoing discourse on combating GBV. By critically analyzing documents, policy frameworks, and societal responses, this study highlights the complex landscape of GBV in Italy, emphasizing the need for comprehensive cultural interventions and prevention-oriented strategies to challenge deeply entrenched patriarchal norms.

**Key-Words:** Gender-Based violence, Legislation, Patriarchy, Feminism

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## **LIST OF ABBREVIATIONS:**

CEDAW	Committee on the Elimination of Discrimination against Women
GBV	Gender-Based Violence
GV	Gender Violence
OHCHR	Office of the United Nations High Commissioner for Human Rights
UN	United Nations
VAW	Violence Against Women
WHO	World Health Organization

## INTRODUCTION:

In recent years, global conversations on feminism and patriarchy have gained unprecedented momentum, yet gender-based violence (GBV) remains a pervasive and troubling issue. Italy's ongoing struggle with GBV, including rape, femicide, and other forms of violence against women, underscores the complexities and challenges inherent in combating gender-based discrimination and promoting women's rights. Despite decades of legislative efforts both domestically and internationally, the persistence of such violence in Italy raises critical questions about the effectiveness of these measures.

This thesis examines the effectiveness of Italy's legislative measures against GBV, focusing on the role of societal attitudes and the influence of international frameworks. Central to this study is the question: **What factors contribute to the persistence of GBV in Italy despite actions aimed at its eradication?**

The journey toward addressing gender-based violence is long and storied, tracing back to landmark documents such as the Universal Declaration of Human Rights (1948), the Declaration on the Elimination of Discrimination against Women (1967), and the Convention on the Elimination of All Forms of Discrimination against Women (1979). Despite these international efforts, gender-based violence continues to plague societies worldwide, with Italy being no exception.

Italy's legislative response to GBV has included significant milestones such as the ratification of the Council of Europe's Istanbul Convention in 2013 and the adoption of Law 119/2013, which established a formal system to combat violence against women. However, doubts persist regarding the effectiveness of these measures. Despite substantial financial investments since 2013, the number of women killed by intimate partners has remained largely unchanged, suggesting inadequacies in current prevention strategies and resource allocation. Moreover, societal attitudes toward gender roles and norms continue to perpetuate violence against women. According to the United Nations Gender Social Norm Index, a significant portion of the Italian population holds prejudices against women and justifies various forms of violence under certain conditions.

Governmental initiatives, including the proposed DDL Codice Rosso or the Roccella Code, reflect Italy's fragmented approach to combating GBV. Government funding primarily focuses on intervention and protection rather than prevention, with minimal resources allocated to education and awareness campaigns. This imbalance underscores the urgent need for a paradigm shift toward prevention-oriented strategies and comprehensive cultural interventions.

By applying insights from liberal feminist theory, which emphasizes freedom and gender equality within liberal democracies, this study will also explore how international organizations and civil society organizations shape global norms and standards for women's rights. These organizations serve as platforms for advocacy, collaboration, and policy formulation aimed at

dismantling gender-based discrimination. Initiatives such as CEDAW and the Beijing Declaration and Platform for Action provide normative frameworks that member states are encouraged to adopt. Moreover, international organizations offer resources, technical assistance, and capacity-building support to facilitate these objectives at the national level.

While existing literature provides valuable insights into the legislative and cultural facets of GBV, there is a noticeable gap in research that examines the intersection of these dimensions. This thesis aims to fill this gap by exploring how Italy's legislative measures interact with main factors such as societal attitudes and international frameworks to influence the effectiveness of efforts to combat GBV.

Through a nuanced analysis of these interrelated factors, this research seeks to unravel the complexities surrounding the perpetuation of GBV in Italy and explore potential avenues for improvement. By contributing to a deeper understanding of these challenges and opportunities, this study aims to enhance the discourse on combating GBV and promoting gender equality in Italy and beyond.

## Literature Review:

The phenomenon of gender-based violence has been the subject of extensive research, which has highlighted its pervasive nature and the different forms it can take. However, much of the existing research tends to focus on either the legal aspects or the cultural dimensions of GBV separately, without fully integrating these perspectives. The landscape of research on gender-based violence in Italy encompasses various approaches, each shedding light on different dimensions of this complex phenomenon. This literature review synthesizes insights from diverse studies conducted within the Italian context, aiming to amalgamate their findings and perspectives to provide a comprehensive understanding of GBV.

Among the array of research, the STEP project emerges as a notable initiative, jointly undertaken by the University of Tuscia and the Association Differenza Donna Ong. led by Professor Flaminia Saccà, the project intertwines research and educational activities, funded by the Presidency of the Council of Ministers – Department for Equal Opportunities. Operating within the framework of the Istanbul Convention, STEP focuses on instigating socio-cultural transformations to combat GBV and collecting information on the social aspect. The project's findings indicate a significant impact of stereotypes and prejudices on women's experiences of violence, particularly within judicial and media realms.

The Italian National Institute of Statistics (Istat) plays a pivotal role in furnishing empirical insights into GBV through its information system on violence against women. Collaborating

with the Department for Equal Opportunities, Istat's data provide a granular understanding of various facets of GBV, informing policy responses and intervention strategies.

ActionAid's report "Prevenzione Sottocosto" further enriches the discourse by spotlighting the inadequacy of funding allocated for GBV prevention efforts and intensively researching it. By drawing attention to the disparity between funding levels and the magnitude of the issue, the report underscores the importance of prioritizing prevention initiatives to address GBV effectively.

Furthermore, the research project "Gender-Based Violence and Systemic Inequality in Italy" (Ferrari, 2022) critically examines how systemic inequalities exacerbate gender violence. This study combines quantitative data with qualitative insights, drawing from interviews and case studies to reveal the pervasive nature of gender violence in various social strata and its intersection with economic and social inequalities.

Another critical research is found in the report by the European Union Agency for Fundamental Rights (FRA), which collects and analyzes data on violence against women within the EU, including Italy. This report provides valuable statistical insights and highlights the prevalence and characteristics of GBV, offering a comparative perspective that underscores Italy's specific challenges and progress within the broader EU context (FRA, 2021). The FRA report's comparative analysis places Italy's GBV issues within a broader European context, emphasizing the importance of international benchmarks and cooperation. This perspective encourages Italy to align its efforts with broader EU standards and practices, fostering cross-border learning and collaboration.

In amalgamating these diverse research endeavors, this thesis looks to offer a holistic understanding of GBV in Italy. By synthesizing insights from legal, cultural, and socio-economic perspectives, this research seeks to contribute to the ongoing discourse on combating GBV and aims to fill the intersectional gap by exploring how Italy's legislative measures interact with societal attitudes and international frameworks to influence the effectiveness of efforts to combat GBV.

## BACKGROUND:

In this chapter, I will provide a comprehensive exploration of gender-based violence (GBV). Beginning with an introduction to the concept of GBV, I will define its various forms and manifestations, shedding light on physical, sexual, psychological, economic, and other forms of abuse. Finally, I will examine the types of prevention strategies employed to address GBV, including primary, secondary, and tertiary prevention efforts. Furthermore, by delving into the historical and legal context surrounding GBV in Italy, I aim to lay a solid foundation for understanding its prevalence and impact in Italian society. To conclude, I will discuss international frameworks such as the Istanbul Convention, a key milestone for the fight against GBV, and their influence on Italian legislation and policy initiatives.

## CONCEPT OF GENDER VIOLENCE

Between the most important definition of GBV, we have from 1993, in the Declaration on the Elimination of Violence against Women the first official definition: *"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"* (OHCHR, 1993).

While the Fourth World Conference on Women defined gender-based violence as follows: *"Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement"* (UN, 1995).

Based on these definitions we can see that gender-based violence (GBV) encompasses actions of mistreatment directed at individuals or communities based on their gender. It originates from gender inequality and reflects detrimental norms and practices (UNHCR, 2021). The European Commission defines GBV as one of the most severe human rights violations across all societies. While GBV can affect individuals of any gender, women and girls constitute the majority of victims, with most violence inflicted by men, often intimate partners. The terms GBV and violence against women (VAW) are frequently used interchangeably due to their disproportionate impact on women. However, GBV transcends gender boundaries and intersects with factors such as age, ability, socioeconomic class, sexual identity, culture, religion, and ethnicity, necessitating an intersectional approach to understanding it (Crenshaw, 1989).

GBV can occur within personal or family relationships or through institutional practices and may involve one or multiple perpetrators across various relationship dynamics, including marital, cohabiting, separated, heterosexual, and same-sex relationships. Victims/survivors of GBV span different life stages, from childhood to later adulthood, and may experience abuse from acquaintances, strangers, or within public and virtual environments. The landscape of GBV is multifaceted, with diverse manifestations and contexts (EC, 2022).

Statistics from the European Union Agency for Fundamental Rights (2015) reveal alarming rates of GBV among women in EU countries, including physical and/or sexual violence, sexual harassment, rape, stalking, and trafficking for sexual exploitation. These figures underscore the pervasive nature of GBV and its association with male violence toward women (Heise, 1994).

Research conducted in European Union countries revealed alarming statistics: since the age of 15, one in three women had encountered physical and/or sexual violence, one in two women had experienced sexual harassment, one in twenty women had been raped, and one in five women had been subjected to stalking. Additionally, it was found that 95% of victims trafficked for sexual exploitation within the EU were women (European Union Agency for Fundamental Rights, 2015). These figures underscore the pervasive nature of gender-based violence (GBV) and reinforce the perception that it is a widespread issue intertwined with the epidemic of male violence against women (Heise, 1994).

Understanding the phenomenon of gender-based violence (GBV) necessitates acknowledging current debates surrounding gender. The term "gender" encompasses the social and cultural distinctions associated with identifying as male, female, or a minority gender identity, including norms, roles, presentation, and behavior. While gender is often perceived as binary, categorized into male and female, it is increasingly recognized as a spectrum, offering a diverse range of gender identities (WHO). However, within GBV, this research refers to identities tied to the gender binary; that is, they refer to men and women.

## **Types of Violence:**

*Physical Violence and Abuse:* Physical violence or abuse is characterized by the use of physical force to inflict pain, suffering, or injury upon the victim. This includes a range of actions such as pinching, scratching, pushing, slapping, spanking, beating, biting, kicking, dragging, stabbing, hitting with a fist or object, burning, strangling, and the use or threat of weapons like guns or knives (García-Moreno et al., 2005).

*Acid attacks:* Acid attacks are a form of premeditated violence carried out with the use of a corrosive substance (generally sulphuric acid) thrown at a person with the aim of killing, torturing, or damaging them permanently (ActionAid 2021). As reported by ActionAid and ASTI (Acid Survivors Trust International), more than 1500 acid attacks take place every year internationally, though many cases remain unreported. In Italy, this form of violence recently became the object of political attention following the extensive media coverage of two landmark cases. These cases culminated in the 2017 bill aimed at introducing the crime of ‘omicidio di identità’ (identity murder) into the Italian penal code, to frame these criminal acts as a specific form of gender-based violence committed by men against women. In this regard, the names of Carla Caiazzo, Lucia Annibali, and Gessica Notaro are sadly well-known for having been subjected to forms of extreme violence aimed at the destruction of their identities by their partners (Cavestri, 2017).

*Sexual Violence and Abuse:* Sexual violence or abuse encompasses unwanted sexual activities such as coerced sex, rape, or attempted rape, typically perpetrated through force, threat of force, or when the victim is unable to give consent due to intoxication. This form of violence also includes forced sex without protection, coerced use of pornography, and degrading or humiliating sexual acts (WHO, 2014). Additionally, emerging forms of digital GBV fall under this category, including non-consensual sharing of explicit images online or cyberstalking.

*Psychological Violence and Abuse:* Psychological violence or abuse manifests in various forms such as constant criticism, defamation, verbal insults, threats, harassment, yelling, acts of humiliation, monitoring, and surveillance. This type of abuse also includes restricting the victim's access to their social environment, financial resources, transportation, or communication (WHO, 2002; EIGE, 2017).

*Economic Abuse:* Economic abuse involves controlling a person's financial resources and ability to acquire, use, and maintain their own money and assets. This may include preventing the victim from working, sabotaging job opportunities, taking control of their income, using their money without consent, accruing debts in their name, damaging property, and withholding maintenance payments (EIGE, 2022).

*Femicide:* The EIGE definition of femicide is “the killing of women and girls because of their gender, sometimes committed or tolerated by both private and public individuals”. It could be by an intimate partner such as an ex-spouse, a spouse, or a steady partner, regardless of whether the perpetrator shares or shared the same residence as the victim. This includes, among other things, the killing of a woman following violence committed by the partner, the torture and killing of women for misogynistic reasons, the killing of women and girls for so-called honor motives, and other killings resulting from harmful practices, the targeted killing of women and girls in the context of armed conflicts, as well as cases of femicide linked to gangs, organized crime, drug trafficking, and the trafficking of women and girls. At the same time, the term "femicide" has been introduced to express the element of impunity and institutional violence resulting from the lack of accountability and adequate response by the state concerning such murders. This term is used when state responsibility is at stake.

## **Types of Prevention:**

Prevention of sexual violence is often categorized into three main levels:

*Primary prevention* aims to stop sexual violence from occurring in the first place. It focuses on addressing root causes and risk factors to prevent violence before it happens. This level of prevention involves strategies such as promoting gender equality, challenging harmful attitudes and social norms, providing education on healthy relationships and consent, and addressing factors like poverty and inequality that contribute to violence.

*Secondary prevention* focuses on early intervention and aims to reduce the immediate risk of sexual violence for individuals who may be at higher risk. This level of prevention involves strategies such as providing support services and resources for survivors, raising awareness about warning signs and risk factors and implementing targeted interventions for vulnerable populations.

*“Response” or Tertiary prevention* focuses on responding to and addressing the consequences of sexual violence after it has occurred. This level of prevention involves strategies such as providing medical and mental health services for survivors, offering legal support and advocacy, implementing policies to hold perpetrators accountable, and supporting survivors in their recovery and healing process.

Each level of prevention plays a crucial role in addressing sexual violence comprehensively, from stopping it before it happens to providing support and resources for survivors and holding perpetrators accountable.

## ITALIAN LEGISLATION ON GENDER VIOLENCE:

The status of women in Italy has evolved exponentially since the end of the Second World War and the fall of the fascist regime, when women increasingly began to be granted rights that had previously been exclusive to men, ultimately leading to complete legal equality. Full rights between men and women in Italy are indeed guaranteed and fully recognized following the enactment of the Constitution of the Italian Republic on January 1, 1948. However, various inequalities persist in the political, social, and economic spheres that still need to be fully overcome.

This chapter examines the evolution of legislation against GBV in the Italian system, highlighting key milestones.

Initially, under the Zanardelli Code of 1889, sexual offenses were categorized into carnal violence and acts of violent lust, differentiated by whether or not the complete sexual act had been consummated, with an emphasis on the victim's role in the process (Benigni, 2023). These crimes were considered damaging to the honor of the family rather than to the individual. In 1930, the Rocco Code maintained this same perspective, treating such crimes as violations of public morality rather than violations of the individual rights of the victims. Rocco Code's norms, which remained in force until a few decades ago, legitimized through criminal law, a highly discriminatory social system against women, confirming gender disparities present in other branches of the legal system and society. Especially within the context of intra-family relationships related to affection and sexuality (Basile, 2022).

In the cultural climate of the time, the concept of female autonomy was difficult if not impossible to elaborate on and tolerate, and patriarchal control over female sexuality, whose autonomy risked endangering the dominance traditionally exercised by males, played a fundamental role for the legislator of the Rocco Code in regulating and disciplining the bodies and sexuality of women (Musio, 1999). For example article no. 559 provided for the punishment of adultery by the wife alone, while that of the husband did not cause social disapproval. Also, the norm on the so-called "reparative marriage" (Article 544 of the Criminal Code), provided for the extinction of crimes under Articles 519-526 and 530 of the same code (rape, violent acts of lechery, abduction for lechery, seduction with promise of marriage committed by a married person, and corruption of minors) perpetrated against a woman, if the rapist agreed to marry her, thus saving her honor and that of the family, recognized as a socially relevant value. Moreover, the norm on "honor killings" (Article 587 of the Criminal Code), an expression of a form of femicide, which, considered the woman's body as the property of a man, father, husband, or brother, was considered less serious than other forms of the homicide of different motives. The murder of a wife, daughter, or sister who had transgressed a traditional behavioral model (marital fidelity) was sanctioned with many attenuated penalties if the perpetrator committed the act in a state of anger determined by the offense to his own or his family's honor (Benigni, 2023).

Only in the 1960s and 1970s, thanks to feminist movements and tragic events, did significant changes occur. Among the most important laws, in 1965, the case of Franca Viola - Sicilian woman who became famous in Italy for refusing a "rehabilitating marriage" to her rapist after being kidnapped, held hostage for over one week, and raped over and over- led in 1981 to the abolition of restorative marriage, allowing victims not to marry their rapists (Pronzato, n.d). In 1978, Law 194 recognized the right to abortion. Finally, in 1996, with Law No. 66, the crime of sexual violence was introduced, while on April 23, 2009, law no. 38, was introduced to improve the protection of victims of sexual violence, expanded the definition of sexual violence, and introduced harsher penalties for sexual offenses.

### **The Istanbul Convention:**

The year 2013 was a key milestone for Italy, when on June 19, 2013, after unanimous approval of the text in the Chamber of Deputies, the Senate voted on the Istanbul Convention with 274 in favor and only one abstention.

In the European context, among regional documents, the Istanbul Convention (2011) holds particularly significant importance regarding this matter. Not only does it represent the first legally binding international instrument to garner pan-European consensus on a common regulatory framework for protecting women's rights and combating gender discrimination, but it also stands out for its incorporation of the most mature outcomes of international practice and discourse on the phenomenon of violence against women and domestic violence. The Convention is characterized by the provision of tools absent in other existing treaties on the

subject, making it a reference point at the international level as well. It notably emphasizes prevention, with special attention to victims of gender-based violence, both in times of peace and in situations of armed conflict, and ensures access to services for women who have experienced violence (COE, 2013).

The Treaty was approved by the Committee of Ministers of the Council of Europe on April 7, 2011, and opened for signature on May 11, 2011, in Istanbul.

Initially, it was signed by the 45 member countries of the Council of Europe, an organization separate from the European Union, which includes non-EU countries such as Russia and Turkey. In the following years, it was ratified by 34 states, while the rest only signed it. It is only through the ratification process that a country becomes obligated to align its domestic laws with the rules outlined in the agreement's text (COE, 2013).

The Istanbul Convention is "the first legally binding international instrument that creates a comprehensive legal framework to protect women against all forms of violence," and it focuses on preventing domestic violence, protecting victims, and prosecuting offenders. The most innovative aspect of this is undoubtedly the fact that the Convention recognizes violence against women as a violation of human rights and one of the main obstacles to the achievement of gender equality and women's empowerment (Article 3, Letter A). Countries should exercise due diligence in preventing violence, protecting victims, and prosecuting perpetrators (Article 5). The Convention is also the first international treaty to contain a gender definition. In Article 3, letter c), gender is defined as "socially constructed roles, behaviors, activities, and attributes that a particular society considers appropriate for women and men." The Convention identifies the roots of violence against women in the inequality between men and women. It argues that this inequality is structural and stems from the so-called 'gender roles'. These roles have been socially and historically constructed, around which a series of stereotypes have developed. These roles, the treaty emphasizes, contribute to and perpetuate violence against women (COE, 2013).

Furthermore, the treaty establishes a series of crimes that States should include in their criminal codes or other forms of legislation or should be inserted if not already existing in their legal systems. The offenses provided by the Convention are: psychological violence (Article 33); stalking (Article 34); physical violence (Article 35); sexual violence, including rape (Article 36); forced marriage (Article 37); female genital mutilation (Article 38), forced abortion, and forced sterilization (Article 39); sexual harassment (Article 40).

Since 2013, with the ratification of the Istanbul Convention by the Council of Europe and the subsequent adoption of Law No. 119/2013, Italy formally established an anti-violence system. Managed through triennial national plans and annual funding for anti-violence centers and shelters, this system is governed by the Department for Equal Opportunities (DPO), whose political direction determines the intervention priorities of the various axes established by the Convention, namely Prevention, Protection, Punishment, and Systemic Actions. The ratification of the Istanbul Convention marked a turning point in Italy's legislative evolution,

promoting greater protection of women's rights and better prevention and combating of gender-based violence (Cottone,2023).

In August of the same year, the Letta government issued decree law 93/2013, later converted into law 119 of October 15, 2013, also called “femicide law”, containing criminal provisions amending the rules on abuse against family members and introducing new aggravating factors for crimes committed by spouses or former spouses. It also introduced harsher penalties for crimes of family abuse, stalking, and sexual violence. The new law has provided for the tightening of some penalties and has established that governments must periodically approve action plans against sexual and gender-based violence. The first plan of this kind was approved in 2015, during the Renzi government (Sorrentino, 2023).

The European Union as an institution had only signed the Istanbul Convention in 2017 but did not yet ratify it in its entirety due to the refusal of some countries such as Bulgaria, the Czech Republic, Hungary, Lithuania, Latvia, and Slovakia. However, the withdrawal of Turkey from the Convention in 2021, citing concerns about its perceived impact on societal values, shed light on similar sentiments within certain European Union member states. Turkey, under President Recep Tayyip Erdogan, argued that the Convention would 'normalize homosexuality,' a stance echoing the rhetoric of some far-right political factions within the European Union. This sentiment was reiterated by delegates from the League and Brothers of Italy during EU proceedings, with a declaration from the Brothers of Italy group highlighting their concern about 'gender-related issues.' Jacopo Coghe, the spokesperson for Pro Vita & Famiglia, an anti-abortion association with ties to right-wing parties in Italy's government, criticized the decision to abstain from ratification. He pointed out that several deputies from Brothers of Italy, the League, and Forza Italia had previously signed the Valorial Manifesto in 2019, pledging to oppose what they termed 'gender indoctrination in schools' (ProVita & Famiglia, 2019). This interplay between EU actions and the stance of Italian far-right parties underscores the broader debate surrounding the Istanbul Convention and its implications for societal values within member states.

In October 2021, a ruling by the Court of Justice of the European Union unlocked the situation, establishing that the EU could ratify the Istanbul Convention without the agreement of all member states, thus allowing for a qualified majority vote instead of a unanimous one.

During the vote, most of the deputies from the League and Brothers of Italy abstained, as did three deputies from Forza Italia. Alessandra Basso and Susanna Ceccardi of the League, however, voted against it (IlPost, 2023). The head of the FdI delegation, Carlo Fidanza, explained in a statement the decision to abstain: "On the method, we consider problematic the fact that to speed up the ratification of the Convention by the EU, it was decided to proceed by qualified majority rather than unanimously. (...) Regarding the substance, with our abstention, we wanted to reaffirm our concern about gender-related issues."

In June 2022, Parliament then approved a bill endorsed by multiple parliamentary groups, from the Democratic Party to Brothers of Italy, which commits a series of institutions – including the National Institute of Statistics (Istat), the National Health Service, the Ministry of the

Interior, and the Ministry of Justice – to periodically carry out statistical surveys entirely dedicated to violence against women. The goal is to more accurately estimate the "hidden part of different types of violence" and to "design adequate prevention and counteraction policies and ensure effective monitoring of the phenomenon.

The Istanbul Convention reveals that international and supranational law has the potential to improve the situation of women by helping to overcome national obstacles and resistance. International and supranational law can lead the way by performing a role-model function because these areas of the law are further detached from the cultural and religious traditions of individual societies that often prevent progress.

### **The “Red Code” (or “Codice Rosso”):**

Law no. 69 from 2019, "Amendments to the Penal Code, the Code of Criminal Procedure and other provisions concerning the protection of victims of domestic and gender-based violence" - (known as the "Red Code" or in Italian “Codice Rosso”) is a law of the Italian Republic that strengthens the protection of all those who suffer violence, stalking, abuse but also revenge porn. The law was presented in the Conte I Government by the Minister of Public Administration Giulia Bongiorno (Lega) with the participation of the Minister of Justice Alfonso Bonafede (M5S).

The first time a bill aimed at introducing the crime of revenge porn was presented was three years earlier, on September 27, 2016, by the Forza Italia deputy Sandra Savino, following the suicide of a young woman named Tiziana Cantone (1985-2016); suicide caused by the publication of some of her intimate videos by her boyfriend. However, the text was not approved. Two years later, on November 28, 2018, a petition was launched on Change.org where a total of 125,942 signatures were soon collected.

On April 2, 2019, with 461 in favor and 0 against, the Chamber of Deputies approved the bill, while it was finally passed by the Senate on July 17. The law came into effect on the following August 9, highlighting the evident problem of online threats, such as “revenge porn” with a peak of about 40 daily complaints in Milan and 20 in Rome just 21 days after the law came into force (Pascasi, 2022).

The law also introduces important measures aimed at ensuring a more rapid and effective treatment of cases of violence, similar to the priority lane in emergency rooms. Procedurally, it is provided that the judicial police immediately inform the public prosecutor after receiving a report of domestic or gender-based violence. The public prosecutor has three days to gather information from the victim or the reporting party, with the possibility of extending the deadline only in exceptional cases. The law increases penalties for violent crimes, especially if committed against minors or pregnant women. The times for filing a complaint are extended

to 12 months instead of 6. New offenses are introduced, such as facial disfigurement and revenge porn, with harsher penalties. The offense of coercion to marriage is also defined, and sanctions are established for the violation of removal measures or prohibition of approach.

The Red Code law introduced several significant measures to address gender-based violence. Some of the highlights include specific training for law enforcement on the issues of gender-based violence. This includes awareness-raising on the dynamics of domestic violence, stalking, sexual violence, and femicide, to improve law enforcement's ability to identify danger signs and respond appropriately. Additionally, it includes the activation of immediate protection measures for victims of gender-based violence, such as temporary housing allocation, the adoption of precautionary measures, and the extension of protection measures provided for by Law No. 119/2013 on femicide.

Additionally, the following offenses were introduced:

- Coercion or inducement to marriage (Article 558 bis of the Penal Code), aimed at combating the phenomenon of so-called forced marriages and child brides;
- Unlawful dissemination of sexually explicit images or videos (Article 612 ter of the Penal Code), intended to remain private, without the consent of the individuals depicted (the so-called revenge porn);
- Deformation of a person's appearance through permanent facial injuries (Article 583 of the Penal Code);
- Violation of measures to stay away from the family home and prohibition of approaching places frequented by the victim (Article 387 bis of the Penal Code).

With the reform, the protections provided by the "Red Code" were also applied to crimes in "attempted" form (such as attempted murder or attempted sexual violence), and the obligation of arrest in flagrante delicto was extended to those who violate the prohibition of approaching the victim.

The Red Code law was a significant step forward in the fight against gender-based violence in Italy, providing tools and measures to improve prevention, protection, and criminal prosecution of such offenses. However, as we can see in the following graph from the ActionAid report, from 2014, before the Red Code, until 2023, 4 years after the new bill, the number of femicides has remained very stable, independently from the amount of funding implemented in gender violence actions. (The data from 2023 stops at 81 as the report was conducted in October 2023, however, based on the report from March 8th. for International Women's Rights Day, Women Victims of Violence,' from the Criminal Analysis Service of the Central Directorate of Criminal Police, Interforce Composition Office of the Department of Public Security, we can see that in 2023, 120 women were murdered. More than in previous years.

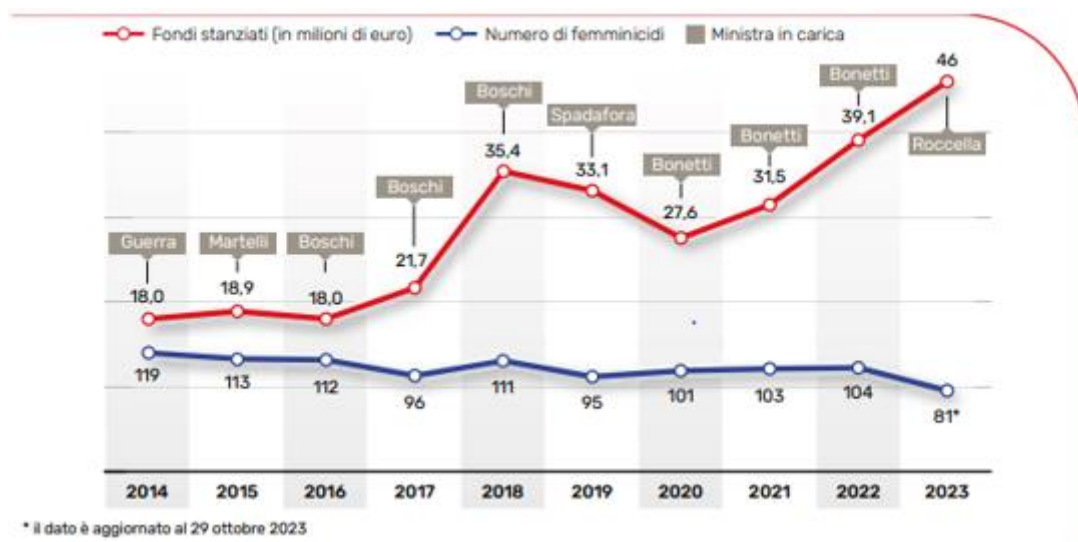


Fig.1 – Action Aid Report, 2023

Additionally, in one year of government, the executive led by Giorgia Meloni has cut funds for the prevention of violence against women by 70%. From the 17 million euros allocated by the Draghi government for 2022, they have now decreased to 5 million for 2023 (Carboni, 2023). Yet, according to the Istanbul Convention, states should intervene to promote socio-cultural changes aimed at "preventing and combating all forms of violence and providing a comprehensive response to violence against women", as violence stems from the structural inequality between men and women, which is rooted in traditional "gender roles".

These findings are revealed by the data collected in the latest report on the subject by the independent international organization ActionAid, titled "The Shortsightedness of Italian Policy in the Fight against Male Violence against Women". In addition to highlighting the drastic cut in funding by the Meloni government, the text sheds light on another huge problem: the objectives of the investments, which overlook prevention and education, i.e., the practices necessary to dismantle norms and social behaviors that produce violence, focusing only on measures of punishment and repression after the violence has occurred (Nicolosi, 2023).

## The “Rocella Bill”:

On November 22, 2023, with the Meloni Government, the Senate approved, with 167 in favor and 0 against, the so-called "Rocella Bill", of 19 articles, which is an addition to the Red Code to further strengthen it. Law 168/2023, signed by President of the Republic Sergio Mattarella and published in the Official Gazette on November 24, entered into force on December 9, 2023.

However, on the day of the discussion, Democratic Senator Susanna Camusso denounced the empty chamber, posting a photo of the deserted seats accompanied by a caption: *"The Senate chamber while discussing the law 'provisions against violence against women and domestic violence'"*.



The bill was unanimously approved (therefore also with the vote of opposition parties) by 157 senators, including those from the opposition, who were present. Some interventions during the debate in the chamber defined the approval as urgent, repeatedly referring to the recent femicide of 22-year-old Giulia Cecchettin, which has been widely discussed in the past few months. Giulia Cecchettin was a college student who was murdered out of jealousy and possessive reasons by her ex-boyfriend Filippo Turetta on November 11, 2023. A witness came forward reporting that he saw, around 11.15 pm, from the balcony of his apartment, a violent argument in a parking located about 150 meters from Giulia's house between a boy and a girl, then the girl asked for help. The witness called the 112, but the patrol didn't arrive because that night all enforcement units in the area were occupied and the closest one was over 45 minutes away. Sadly, her body was found the next days in a forest nearby (OnuItalia, 2023).

In the intentions of the government and Minister Rocella, the new law aims to simplify the application of the norms already contained in the "Red Code" and to promote prevention, especially by tightening existing penalties and coercive measures. It was proposed by the government following some highly publicized news cases: an approach that had already raised perplexity and criticism from feminist movements and anti-violence centers in recent months, which have long been urging the government to address the problem in a more structural and less emergency-driven manner.

Among the main measures designed for prevention is the extension of precautionary measures to people accused of so-called "indicator crimes," those that are indicative of gender-based violence: for example, assault, personal injury, serious threats, stalking, illegal dissemination of sexually explicit images or videos, and home invasion. The possibility of issuing a warning has also been extended to indicator crimes, a tool whereby the police chief can confiscate any

legally owned weapons from the "warned" person and take action if the accused behavior recurs, without the need for a complaint. So far, the warning could already be used for certain crimes such as domestic violence, cyberbullying, or stalking.

The judge may also order the accused person not to approach places frequented by the alleged victim, with the obligation to maintain a distance of at least 500 meters: this obligation may also be enforced through the use of an electronic bracelet, the application procedure of which is simplified and strengthened by the new law.

The so-called "deferred flagrant arrest" will also be possible in cases of abuse, stalking, or violation of a restraining order: that is, a person accused can be arrested even in cases where the offense can be proven through video, photos, or other types of documentation (such as chat or GPS information), provided that 48 hours have not passed since the documented event.

## **THEORETICAL FRAMEWORK:**

This chapter aims to provide a comprehensive overview of liberal feminism, with a particular focus on egalitarian-liberal feminism, exploring its principles, historical context, key proponents, core concepts, criticisms, and implications for advancing gender equality within liberal democracies and on a global scale. After a brief introduction to the core concepts of Liberalism and Feminism, the chapter will delve into the concepts of personal autonomy and political autonomy within the framework of egalitarian-liberal feminism, highlighting the importance of safeguarding women from violence and discrimination. Additionally, the role of international organizations in advancing gender equality will be examined, underscoring their significance as platforms for advocacy, collaboration, and policy formulation on a global scale.

### **Introduction to Liberalism:**

Liberalism is a political and moral philosophy based on the rights of the individual, consent of the governed, liberty, political equality, and equality before the law (Dagger et al., 2024). Liberalism became a distinct movement in the Age of Enlightenment, gaining popularity among Western philosophers and economists. Enlightenment thinkers are often acknowledged for influencing liberal concepts. These concepts were initially consolidated and organized into a coherent ideology by the English philosopher John Locke, commonly recognized as the pioneer of modern liberalism (ibid).

Liberalism argues that the highest goal of government is to ensure individual rights to life, liberty, and property, emphasizing the well-being of individuals as the cornerstone of a just political system. Central to liberalism is the belief that unchecked political power, such as that seen in monarchies or dictatorships, fails to protect individual rights. Therefore, liberalism

seeks to establish institutions that limit political power to safeguard individual freedoms. This emphasis on limiting political power extends to the international arena, where liberals advocate for foreign policies that promote domestic liberty and caution against militaristic strategies that could lead to the oppression of citizens (Bellamy, 2015). Moreover, the current international system, including organizations and norms, aims to foster cooperation, human rights, democracy, and the rule of law.

## Introduction to Feminism:

Feminism encompasses a variety of movements and ideologies to achieve equality in political, economic, personal, and social spheres. It critiques modern societies as patriarchal, favoring the male perspective and resulting in unjust treatment of women. Efforts to address this include challenging gender stereotypes and advocating for improved opportunities and outcomes for women in education, profession, and personal life (Brunell & Burkett, 2019).

Originating in late 18th-century Europe, feminist movements have campaigned for women's rights, including suffrage, equal pay, property ownership, education, and protection from violence. They have also worked to ensure access to contraception, legal abortions, and social integration while combating sexual assault, harassment, and domestic violence (ibid). These movements are widely credited with achieving significant societal changes for women's rights, particularly in the West, such as legal equality.

While primarily focused on women's rights, feminism also considers the harm of traditional gender roles on men, advocating for men's liberation. Feminist theory, emerging from these movements, aims to understand and address gender inequality through various disciplines. Over time, different feminist movements and ideologies have developed, including liberal, socialist, and radical feminism, each offering distinct perspectives and strategies for achieving gender equality.

## Theory of Liberal Feminism:

As mentioned, liberalism is a family of doctrines that emphasize the value of freedom and hold that the just state ensures freedom for individuals. Liberal feminism embraces this value and this role of the state and insists on freedom for women. A disagreement concerning how freedom should be understood divides liberal feminism into two different sorts: classical and egalitarian. While classicalists understand freedom as freedom from coercive interference, other liberals understand freedom as personal autonomy—living a life of one's choosing—and political autonomy—being co-author of the conditions under which one lives. Some historians call such believers “new liberals” - in our case is also called “egalitarian-liberal feminism” (Rosenblatt, 2018).

Originating primarily in Western societies, the movement's roots can be traced back to 19th-century first-wave feminism, which sought recognition of women as equal citizens and

campaigns for women's suffrage and access to education, aligning with the liberal and progressive movements of the time (Maynard, 2006). Liberal feminism is thought to have emerged through the work of early feminist scholars such as Mary Wollstonecraft, who advocated for educational and social equality for women, and John Stuart Mill, who defended the civic and legal equality of women and their right to vote.

British philosopher Mary Wollstonecraft (1759–1797), regarded as a pioneer of liberal feminism, published in 1792 her work: “*A Vindication of the Rights of Woman*”, where she expanded liberalism to include women within the political framework of a liberal society. Wollstonecraft critiqued society's perception of women and urged women to assert their voices and make their own decisions, independent of those imposed upon them. She refuted the notion that women are inherently more pleasure-seeking and pleasure-giving than men, arguing that men would develop the same flawed characters if subjected to the same constraints as women.

Liberal feminism emphasizes the importance of the public sphere, including laws, political institutions, education, and the workforce, identifying the denial of equal legal and political rights as the primary barrier to achieving gender equality. While some liberal feminists contend that significant strides have been made in securing these rights, others acknowledge ongoing challenges, such as the gender pay gap, gender violence, underrepresentation in politics, and media bias, that demand continued activism (Baehr, 2020). In this regard, liberal feminism places a strong emphasis on legal and policy changes to address gender inequality (Whalley & Hackett, 2017). This perspective makes it directly relevant to understanding and advocating for legal reforms that can help combat bias against women.

### Egalitarian-liberal feminism:

Egalitarian-liberal feminism advocates for comprehensive support for women's personal and political autonomy, striving for equality within liberal democracies. They view the state as a crucial ally in achieving these objectives and endorse various measures such as anti-discrimination laws, affirmative action, and welfare programs, along with efforts to alter cultural norms and ensure equal participation in democratic processes (Baehr, 2020).

Egalitarian-liberal feminism attributes autonomy deficits to the "gender system," inherited patriarchal traditions and institutions. They advocate for the women's movement to identify and address these issues, viewing the state as a potential ally in promoting women's autonomy. Drawing from various feminism theories, they emphasize the importance of ensuring women's freedom from violence, patriarchal laws, and policies, and advocate for equal access to birth control, abortion services, and recognition of diverse family forms (Cudd, 2004)

They also argue that women's needs and interests are not adequately considered in the fundamental conditions of their lives and that the structures upholding these conditions lack legitimacy due to women's insufficient representation in the democratic decision-making processes. Egalitarian-liberal feminism associates these deficiencies in autonomy with the

"gender system", referring to entrenched patriarchal norms and institutions. They advocate for the identification and rectification of these issues by the women's movement. According to egalitarian-liberal feminism, since safeguarding and enhancing citizens' autonomy is a rightful responsibility of the state, they believe that the state can and should support the women's movement in advancing women's autonomy. Egalitarian-liberal feminism proposes remedies addressing both structural inequalities and cultural biases, suggesting civic education and legal mechanisms like quotas or proportional representation to ensure women's equal political participation (Rhode, 1994). Despite diversity in opinions, they share a commitment to rectifying injustices perpetuated by the gender system and promoting women's full autonomy and equality. Furthermore, egalitarian-liberal feminism supports laws against sex discrimination in education, employment, and public accommodations, aiming to eliminate unfair limitations on women's choices.

Egalitarian-liberal feminism, under scholarly works (Cudd, 2004), advocates for state intervention to effectively safeguard women from violence, irrespective of its occurrence context. They also denounce the imposition of sexist paternalistic and moralistic laws and policies, considering them as an unjust exercise of state authority. Such regulations subject women's lives to external control and direct them towards predetermined lifestyles. Laws restricting access to birth control and abortion are particularly concerning, as they deprive women of significant choices and reinforce traditional caregiving roles, predominantly assigned to women. Thus, egalitarian-liberal feminism stresses the importance of women's legal entitlement and meaningful accessibility to birth control and abortion services (Rhode, 1994).

Furthermore, egalitarian-liberal feminism lends support to legislative measures combating sex discrimination in various spheres such as education, employment, and public accommodations. They argue that discriminating against women in hiring, promotion, or business dealings based on gender is ethically objectionable, as are hostile work environments for women. Consequently, they assert the necessity of enacting laws prohibiting sexual harassment and mandating affirmative action and comparable worth policies to address past and ongoing instances of sex discrimination (Williams, 2000).

### *Personal Autonomy:*

Egalitarian-liberal feminism stresses that women should enjoy personal autonomy. They hold that women should live lives of their choosing. This means for example being free of violence and the threat of violence. Gender violence violates women's dignity; it reduces women's sphere of activity to "avoiding harm". In some cases, violence fractures the self and takes from women their sense of self-respect (Brison, 1997). The feminist literature on violence against women documents the particular role that violence and the threat of violence play in limiting women and unfairly disempowering them. But also, being free of the limits set by patriarchal paternalistic and moralistic laws and policies.

The literature on women's personal autonomy within egalitarian-liberal feminism underscores the importance of the state's responsibility in safeguarding women from violence and discrimination. Egalitarian-liberal feminists are egalitarian-liberals and, as such, believe that among the proper uses of state power is to ensure that all individuals can enjoy a decent standard of living, including freedom from human rights abuses, access to adequate income, appropriate education and healthcare (ibid).

### *Political Autonomy:*

Regarding political autonomy, certain egalitarian-liberal feminists accentuate its significance, delineating it as the co-authorship of living conditions. They contend that the state should ensure that society's foundational structure aligns with principles of justice acceptable to both women and men. Additionally, they argue that the democratic legitimacy of societal conditions hinges on women's inclusion in public deliberation and electoral processes.

Inspired by John Rawls' contractual liberal theory of justice (Rawls, 2001), some egalitarian-liberal feminists highlight that the state has to guarantee an equitable distribution of social cooperation's benefits and burdens. They assert that the current societal structure unfairly allocates these elements, partly due to the gender system.

Additionally, they advocate for cultural shifts to combat stereotypes impeding women's participation and legitimize women's needs and interests in democratic discourse. While acknowledging the cultural nature of these changes, they emphasize the state's role, advocating for civic education promoting gender equality, and leveraging persuasive power to prioritize traditionally sidelined issues in public deliberations (McClain, 2006). Moreover, these advocates believe that the state should use its persuasive power to bring traditionally marginalized issues to the forefront of public deliberations. By prioritizing topics that have historically been sidelined, such as reproductive rights, childcare, and equal pay, the state can ensure that these critical issues receive the attention and resources they deserve. This approach not only addresses immediate inequalities but also helps to create a more inclusive and representative democratic discourse.

In essence, while these advocates recognize the cultural dimensions of gender inequality, they argue that state intervention is crucial for fostering an environment where women's voices are heard and their interests are taken seriously. They propose a dual approach that combines cultural transformation with strategic state actions to promote a more equitable and inclusive society (McClain 2006).

### **Liberal Feminism and Gender Violence:**

A fundamental aspect of the liberal feminism theory involves recognizing the prevalence of sexual violence and harassment experienced by women, phenomena often excused by patriarchal norms (Edwards et al., 2011). Rape myths, characterized by victim-blaming and the

trivialization of violence against women, are pervasive stereotypes in society (ibid). The perpetuation of these myths serves to normalize and downplay the severity of sexual violence, contributing to its persistence. Moreover, individuals who endorse traditional gender roles and both hostile and benevolent sexism are more likely to subscribe to GBV (Abrams et al., 2003). While the connection between feminist ideologies and rape myth acceptance is relatively understudied, one investigation (Holland et al., 2020) explored how feminist beliefs and rape myth acceptance influence college resident assistants' readiness to assist sexual assault victims. Results indicated that individuals with stronger feminist convictions were more inclined to offer support, whereas those with higher levels of rape myth acceptance, particularly among men, were less likely to provide aid. Additionally, research has shown that rape myths correlate with other forms of oppressive attitudes, including discrimination, ageism, religious intolerance, and homophobia (Aosved & Long, 2006), as well as heightened heterosexism (Locke & Mahalik, 2005). Liberal feminists argue that the state has a crucial role in dismantling these patriarchal structures through legal and policy reforms. They advocate for the implementation of laws that protect women's rights and ensure their safety

### Importance of International Organizations:

From a liberal feminist perspective, international organizations play a pivotal role in advancing gender equality on a global scale. These organizations serve as platforms for advocacy, collaboration, and the formulation of policies aimed at dismantling gender-based discrimination and promoting women's rights (Dagger, R. et al, 2024). Through initiatives such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Declaration and Platform for Action, international organizations establish normative frameworks and standards that member states are encouraged to adopt and implement. Charlotte Bunch, a prominent liberal feminist, has argued that international organizations like the United Nations are crucial for setting global standards, providing frameworks for legal reforms, and offering platforms for women's voices to be heard on a global stage. In her article "Transforming Human Rights from a Feminist Perspective" (1990), Bunch outlines how international human rights organizations can be instrumental in advancing the feminist agenda and combating violence against women. Moreover, they provide resources, technical assistance, and capacity-building support to facilitate the realization of these objectives at the national level. By fostering dialogue and cooperation among diverse stakeholders, including governments, civil society organizations, and the private sector, international organizations contribute to the amplification of feminist voices and the mainstreaming of gender perspectives in policymaking processes (ibid). International organizations serve as catalysts for progress toward gender equality, fostering a shared commitment to challenging patriarchal structures and advancing the rights and opportunities of women and girls worldwide.

### Criticism:

Critics from the Marxist feminist perspective argue that liberal feminism's focus on legal reforms and individual rights does not adequately address the structural economic inequalities

that underpin gender-based violence. According to Sylvia Federici (2012), liberal feminism's emphasis on achieving equality through legal means fails to challenge the capitalist structures that exploit women's labor and reinforce gender hierarchies. Federici contends that without addressing the economic foundations of women's oppression, efforts to combat GBV will remain superficial and ineffective.

A similar critique come from radical feminists theoriest such as Andrea Dworkin, who criticize liberal feminism for its reliance on state mechanisms, which they view as inherently patriarchal. Dworkin argues that the state and its legal systems are complicit in perpetuating violence against women, thus reforms within these structures are insufficient (1983). Radical feminists advocate for a more profound societal transformation that dismantles patriarchal power structures at all levels of society, rather than implementing only legal changes.

On another note, intersectional feminists emphasize the importance of considering multiple, intersecting identities (such as race, class, and sexuality) in understanding GBV. Kimberlé Crenshaw (1991) argues that liberal feminism's focus on gender alone overlooks how different forms of discrimination intersect to exacerbate GBV for women of color, LGBTQ+ individuals, and those from lower socio-economic backgrounds. This perspective suggests that policies and interventions need to be more inclusive and account for these overlapping identities to be truly effective.

Another critique comes from the exponents of the Realist theory. The latter emphasizes the importance of power, national interest, and survival in an anarchic international system. Realists, such as Mearsheimer (2001) argue that liberal feminist theory is overly idealistic, focusing on normative goals such as equality and justice, which may not align with the practical considerations of state behavior and national security. They believe that the pursuit of gender equality may be secondary to the primary objectives of power and security. Realists critique liberal feminists for prioritizing ideals over the pragmatic needs of the state. They argue that while gender equality is a noble goal, it may not always be feasible or practical within the competitive and often hostile international system.

## Operationalization of Liberal Feminism in Analyzing GBV

In this section, I will describe how the theoretical concepts of liberal feminism, particularly egalitarian-liberal feminism, will be applied in the analysis of gender-based violence (GBV) in Italy. This operationalization involves identifying specific aspects of the theory that are relevant to the study, explaining their significance, and detailing how they will be used to analyze the data and interpret the findings.

Central to liberal feminism is the concept of personal autonomy, a principle articulated by theorists such as John Stuart Mill and further developed in feminist discourse by scholars like

Betty Friedan. Personal autonomy emphasizes individuals' right to make decisions about their own lives free from coercion. In the context of GBV, this principle highlights the need for legal and social frameworks that ensure women's rights to live free from violence. The analysis will explore how Italian legislation, such as the "Red Code" law and adherence to the Istanbul Convention, embodies this principle.

Another core concept that will be used is how patriarchal norms and societal attitudes significantly impact personal autonomy and the prevalence of GBV. As liberal feminist theory argues, patriarchal structures perpetuate gender inequalities and restrict women's freedoms (Baehr, 2020). This analysis will delve into how these cultural factors in Italy influence women's autonomy and contribute to GBV. By examining media representation and public attitudes, the study will assess the cultural barriers to achieving gender equality and reducing GBV. This involves a critical look at how entrenched gender stereotypes and societal expectations perpetuate violence against women and hinders the effectiveness of legal protections.

The involvement of NGOs and civil society is a key component of political autonomy, another crucial concept in liberal feminist theory. Organizations such as "Non Una Di Meno" and "Differenza Donna" exemplify the role of civil society in advocating for women's rights and supporting GBV survivors. The analysis will highlight the contributions of these organizations, illustrating the interplay between civil society initiatives and governmental efforts in addressing GBV. By examining the strategies employed by these organizations, the study will underscore their importance in the broader movement toward gender equality and the protection of women's rights.

Moreover, as Bunch (1990) mentions, international organizations, including the United Nations and the European Union, are pivotal in promoting gender equality and protecting women's rights on a global scale, reflecting the liberal feminist emphasis on the role of supranational bodies in driving change. This concept will be used in the analysis to investigate how Italy's engagement with these organizations influences its legislative and policy responses to GBV. This includes examining the impact of international frameworks, such as the Istanbul Convention to explore how these international norms and standards are integrated into Italian legislation and their effectiveness in driving change and promoting a safer environment for women.

Finally, rightful legislation is fundamental to the state's responsibility to protect its citizens from violence, a concept grounded in the liberal feminist call for legal reforms that promote gender equality. The analysis will emphasize the importance of robust legal measures that uphold the principle of equality before the law, as discussed by feminist legal theorists, and ensure comprehensive protection against GBV. This involves creating laws that address GBV and ensuring their effective implementation and enforcement. The study will critically assess Italy's legislative measures, such as the "Red Code" law, to determine whether they provide adequate protection for women and are enforced without bias.

In summary, by operationalizing these concepts from liberal feminism, the analysis will provide a comprehensive understanding of the importance of effective legislation in combating gender-based violence in Italy. With this approach the research aims to contribute to the ongoing discourse on gender equality and the effective prevention of gender-based violence through the lenses of Liberal Feminism.

## **METHODOLOGY:**

In this chapter, I will outline the methodology employed for data collection and analysis. Initially, I will delineate the nature of the research, which is qualitative, utilizing a case study approach focusing on Italy, given the recent events concerning gender violence in the country. Subsequently, I will expound upon the methods employed for data collection and the process of document analysis.

### **Qualitative Method: A Case Study of Italy**

Qualitative research serves as a powerful tool for collecting and analyzing non-numerical data, including words, images, and sounds, to elucidate and interpret social phenomena (McLeod, 2008). Widely employed in the social sciences, it is particularly useful for investigating concepts such as emotions and motivations. The choice of a qualitative case study methodology aligns with the principles of feminist research, which prioritize understanding the lived experiences and perspectives of individuals, particularly marginalized groups affected by gender-based violence. By delving deeply into the Italian context, this research aims to uncover the intricate interplay of societal attitudes, legal frameworks, institutional responses, and cultural norms that shape gender violence dynamics. Furthermore, a qualitative case study facilitates the exploration of causal links and pathways resulting from policies, reforms, or developments implemented to combat gender violence (Gerring, 2004). By scrutinizing documents, including legislative measures and policy frameworks, I aim to elucidate the effectiveness and impact of interventions within the Italian context.

The analysis consists of a single explanatory case study as it allows for a more detailed and comprehensive examination of a specific phenomenon or situation in a particular place. It enables a deep dive into the nuances, complexities, and contextual factors that may be missed in a comparative study, which often focuses on broader patterns across multiple countries; letting us examine our information without the need to compare and contrast with other countries (Gustafsson, 2017).

Explanatory case studies serve as a means to explain particular phenomena within specific contexts, offering detailed explanations of how various factors interact and influence each other (Baxter, P. & Jack, S., 2008). By delving into the intricacies of gender violence norms this

research seeks to identify the underlying mechanisms that contribute to both success and failure in addressing this pressing social issue. Furthermore, explanatory case studies are well-suited to generate new insights and provide valuable information for future research endeavors. By uncovering the nuances of gender violence norms, this study aims to inform the development of more effective and comprehensive approaches to addressing the legacies of patriarchy and human rights abuses.

Moreover, qualitative research enables triangulation of findings with other data sources, enhancing the depth and reliability of insights garnered. Identifying patterns, trends, and themes not easily discernible through other research methods, provides a holistic understanding of the phenomena under scrutiny.

### Document Analysis:

To analyze the data collected, I will use document analysis, a qualitative research technique that plays a crucial role in the methodology. This process involves evaluating electronic and physical documents to interpret their meaning and extract valuable insights. By organizing and interpreting data obtained through document analysis, researchers can enrich their understanding and complement other research methods (Bowen, 2009). Documentary material serves various purposes within research, providing context, raising questions, suggesting observations, offering insights, tracking study development, and confirming evidence. As Bowen furthers (2009), researchers leverage document analysis to enhance the credibility of their findings through triangulation, comparing multiple sources of data to establish convergence and divergence.

In delineating my document analysis, I will adopt a meticulous approach to select and extract pertinent information aligned with my research objectives from the documents under review. This process entails identifying and categorizing key themes, patterns, and perspectives pertinent to gender-based violence within the documents. I will systematically examine the language used, scrutinizing nuances, connotations, and rhetorical strategies employed. Moreover, I will evaluate the context in which information is presented, considering factors such as historical background, socio-cultural influences, and institutional frameworks. Additionally, I will conduct a thorough examination to discern any implicit or explicit biases embedded within the content, including gender stereotypes, victim-blaming narratives, or systemic prejudice.

### Data Collection

Data collection involves the systematic gathering, measurement, and analysis of accurate data from various pertinent sources to address research inquiries, solve problems, and assess outcomes (Paradis et al., 2016). In selecting data for analysis, I prioritize its relevance to the

research, drawing from a diverse range of sources. This includes primary sources, which comprise original data or information collected firsthand from direct sources such as official government documents, records, or interview reports, as well as secondary sources, which are not directly collected by researchers but are authored by others, such as published research articles or papers by other scholars. To ensure the credibility and quality of secondary sources, I opt for academically approved databases and employ data triangulation (Harvard Library, 2022).

Primarily, I rely on government websites to access legislative information and official records related to gender-based violence. These sources provide essential data on legal frameworks, policy initiatives, and governmental responses to address such issues. Additionally, I leverage data from feminist NGOs, accessing statistics, surveys, and reports they have compiled. The incorporation of data from feminist NGOs adds an important dimension to the data collection process. These organizations are at the forefront of advocacy and research on gender-based violence, and their insights are invaluable for understanding the prevalence, impact, and dynamics of such violence within Italian society. By leveraging this data, the research ensures that the perspectives and experiences of affected communities are center stage in the analysis.

Moreover, I incorporate information from reputable newspapers, particularly articles that report on specific cases or incidents of gender violence in Italy. These news sources contribute contextual information and public discourse surrounding gender-based violence, enriching the understanding of its societal implications and challenges.

Given the intricacy of the Italian case, data triangulation is integral to my research strategy. Carter elucidates that triangulation entails employing multiple methods or data sources to gather and analyze information about a specific research question, to enhance the validity and reliability of research findings by offering diverse perspectives on the same phenomenon (2014). To enhance the credibility and reliability of the data, I employ a triangulation approach, involving cross-verifying information obtained from multiple independent sources.

In summary, data collection and document analysis are integral components of the research methodology. By using primary and secondary sources and employing document analysis techniques, I aim to gather comprehensive data and generate nuanced insights into the phenomena under investigation.

## Limitations:

In any research, it is essential to acknowledge and address potential limitations that may impact the validity and generalizability of findings. In this chapter, I explore the limitations inherent in the data collection and analysis methodologies and discuss strategies to mitigate their effects.

A crucial limitation arises from the reliance on secondary sources of data, such as published reports and existing research studies, rather than conducting original empirical research. While

secondary sources provide valuable information, they may be subject to biases or limitations inherent in the original data sources. To address this limitation, I have critically evaluated the credibility and relevance of the secondary sources used in the study, seeking to minimize the impact of potential biases.

The sensitivity of the topic of gender violence poses additional challenges to data collection and analysis. Victims of gender violence may be reluctant to disclose their experiences due to fear, stigma, or shame, leading to underreporting and potential inaccuracies in prevalence data. Moreover, the stigma associated with sexual violence may hinder victims' willingness to seek help or support, further complicating efforts to obtain accurate and reliable data.

Another limitation of this study is the potential influence of my personal biases, particularly as an Italian woman researching gender violence. As a woman with lived experiences and cultural affiliations within the context being studied, there is a risk that my perspectives and interpretations may be influenced by my own identity, beliefs, and experiences. This bias could manifest in various ways, such as shaping the selection and interpretation of data or subtly guiding the analysis and presentation of findings. While efforts will be made to mitigate this bias through reflexivity and transparency in the research process, it is important to acknowledge that my positionality as an Italian woman may unavoidably shape the research outcomes.

To mitigate these limitations, it will be employed several strategies throughout the research process. These include transparency regarding the scope and context of the findings, rigorous scrutiny of secondary data sources, and sensitivity to the challenges inherent in researching sensitive topics. Additionally, triangulation of data will be used to enhance the robustness and credibility of the conclusions.

## **ANALYSIS:**

This section will provide a comprehensive examination of gender-based violence (GBV) in Italy through the lens of liberal feminist theory. The analysis aims to unpack the multifaceted dimensions of GBV, focusing on the patriarchal cultural context, public attitudes, media representation, the legal system, governmental approaches, and the role of NGOs and civil society. Each of these themes is crucial to understanding how GBV is perpetuated and addressed in Italy, and how theoretical concepts from liberal feminism can be applied to analyze these phenomena.

Firstly, we will delve into Italy's patriarchal cultural context and public attitudes towards GBV. This involves analyzing societal norms and stereotypes that reinforce gender inequality and justify violence against women. By employing the concept of patriarchy from liberal feminist theory, we can explore how deeply ingrained gender roles and power imbalances contribute to the persistence of GBV, restricting women's autonomy, and perpetuating their subordination.

Next, the analysis will address patriarchy in Italy's legal system, focusing on judicial sexism and the implementation of laws designed to protect women from violence. Here, we will examine specific legislative measures, specifically with the introduction of the "Red Code" and "Rocella Bill". Liberal feminist theory, as discussed by theorists like Nussbaum (1999) underscores the importance of rightful legislation and state responsibility in safeguarding individual rights, particularly the right to personal autonomy and freedom from violence. This section will highlight the gaps between legislative intent and practical outcomes, emphasizing the need for consistent enforcement and judicial sensitivity.

Media representation is another critical theme, as it significantly shapes public perceptions and attitudes towards GBV. The analysis will scrutinize how media portrayal of violence against women either reinforces or challenges patriarchal norms. Theoretical insights from liberal feminism will be used to critique media practices that perpetuate victim-blaming and sensationalism, thereby undermining efforts to address GBV effectively.

I will then examine current governmental approaches, including institutional dynamics, to understand how the main body for gender equality of the state addresses GBV. This involves assessing the role of government ministers and officials in championing gender-sensitive policies and ensuring that GBV remains a national priority. Liberal feminist theory emphasizes the state's role in protecting citizens and promoting gender equality, making it a valuable framework for analyzing governmental efforts and shortcomings. This section will reference these ideas to highlight the importance of state accountability and proactive policy-making.

The role of NGOs and civil society in shaping legislative change and providing support services for GBV victims will also be explored. NGOs are often at the forefront of advocacy and grassroots efforts to combat GBV, and their contributions are essential for fostering societal change. By leveraging liberal feminist concepts, we can appreciate the importance of civil society in holding the state accountable and advocating for comprehensive and effective responses to GBV.

Through this theoretical lens, we can gain deeper insights into the root causes of GBV and identify the key factors that contribute to its perpetuation.

## Interrogating Italy's Patriarchal Cultural Context & Public Attitudes

Articles 12 and 14 of the Istanbul Convention focus on the essential role of gender stereotypes in reproducing the cultural matrix of violence. As mentioned earlier, Istat conducted the first survey in 2018; the second edition is currently underway, and provisional data can be analyzed. 53.6% of the population aged 18 to 74 exhibit at least one stereotype about gender roles; the figure is higher for men and, compared to the first survey, has decreased especially among women. Stereotypes about sexual violence are also widespread, with 48.7% of the population adhering to at least one stereotype on this issue. 39.3% of men agree strongly or somewhat that

a woman can avoid sexual intercourse if she truly does not want it, and nearly 20% of men think that violence is caused by the way women dress, percentages that among women stand at 29.7% and 14.6%, respectively. Regarding some situations, there are no differences of opinion between males and females: about 11% believe that a woman who is a victim of sexual violence when drunk or under the influence of drugs is at least partly responsible, and about 10% believe that if a woman accepts an invitation from a man after a party and is then raped, it is also her fault (Istat, 2022).

The Women's Safety Survey also shows that victims are often accustomed to considering violence as "normal"; even the most severe forms are seen as "wrong but not a crime," a factor that increases the difficulty of escaping the violent situation. The analysis conducted on students and girls abused by their boyfriends showed how even rape was considered only as an episode, with dangerous consequences for the possibility of acquiring awareness and initiating the process of leaving the violence. Indeed, most of these girls remain with their boyfriends, even if abusive.

Moreover, one in four Italians believe that commenting on physical abuse suffered by a woman by stating that it is less serious because her attitudes, clothing, or appearance conveyed that she was 'available' is not truly a form of violence. This belief is held by the majority of men (30%), but the percentage of women is also significant (20%). Approximately three out of ten individuals still do not consider it violence to "slap a partner if she has flirted with another person"; among women, 20% are convinced of this, while the percentage rises to 40% among men (Istat, 2018). Furthermore, one in three Italians do not consider it violence to force a partner into sexual intercourse if she does not want it; approximately four out of ten men and three out of ten women hold this belief, as revealed by the research from Astraricerche, presented in the Senate during the event "All the Faces of Violence," promoted by the Anti-violence Network of the Municipality of Milan (Concilio, 2023). The results reveal "a patriarchal Italy, in which there is still much to do in terms of information and awareness" - say the authors of the research.

At the heart of this perspective lies a phenomenon that epitomizes Italian culture: patriarchy. The term patriarchy, originating from the ancient Greek patriarkes, meaning dominion/supremacy of the father, denotes the unequal distribution of power between men and women in certain aspects of society. In Italian cultural history, familial economic and legal leadership has traditionally rested with the father, allowing men to establish a strong, unequal relationship with the female sex. Consequently, patriarchal ideology has permeated other social institutions, such as education, wealth, or healthcare, through socio-political mechanisms that reproduce and exert male dominance over women. Thus, women considered inferior and manipulable, are systematically excluded from institutions perceived to hold greater economic, political, cultural, and religious power (Giovannoni, 2023).

In patriarchal culture, strength has always been perceived as the sole path to fulfilling desires, the only useful tool for achieving victory. From psychological control over a partner, it has transitioned to physical possession, culminating in violence and femicide, two phenomena still

prevalent in our society today (ibid). In 2023, 120 women have been killed by a man, half of which by their husbands and partners (Istat, 2022). Men, benefiting from the sexism in the Italian justice system, have received leniency and sentence reductions despite their actions. According to the Gender Social Norm Index of the United Nations, which measures the stereotypes that give rise to gender inequalities, 61% of the Italian population holds prejudices against women, and 45% believe that there are conditions in which physical, sexual, and psychological violence by a partner is justifiable, showing how societal attitudes towards gender roles and norms is still influencing and perpetuating violence against women.

Following the murder of twenty-two-year-old Giulia Cecchettin on November 11th, 2023 by her ex-boyfriend, together with the many gang rapes that happened in the south of Italy in just a couple of months, public debate on patriarchy with still deeply rooted roots has resurged strongly. Despite accusations from men towards women of wanting to generalize the "monster," much of the male community has engaged in a Mea Culpa, acknowledging the privileged system in which they have grown up and denouncing inequality and gender-based violence.

## Patriarchy in Italy's Legal System: Analyzing Judicial Sexism

Italy has been repeatedly condemned by the UN CEDAW Committee (Convention on the Elimination of All Forms of Discrimination against Women) and the European Court of Human Rights in Strasbourg (2022) for sexism within the judiciary. Indeed, it acknowledged that the widespread biases in Italian courts violate the principle of women's equality before the law. The case stems from an appeal filed by a woman who was already a victim of domestic violence and then raped by a law enforcement officer, initially convicted and later acquitted in subsequent levels of judicial review. Judges' written justifications for denying penalties and life sentences to rapists and murderers often cited the victim as "disinhibited," or the so-called "brief touch" as not constituting a crime, and much more, inevitably leading to phenomena such as secondary victimization, minimization, trivialization, and normalization of male violence against women.

Regarding the "brief touch", to "briefly" explain, in April 2022, the judges exonerated a Roman janitor who had touched a student in her intimate parts due to the "suddenness of the action." On Instagram and TikTok, there started outrage against the normalization of harassment with the hashtag #10seconds. There is fear that judgments like this could discourage victims in a country where 70% of women do not report. How long do ten seconds last? A very long time, perhaps immeasurable, if you are experiencing harassment. Yet for the judges of the fifth criminal section of the Rome Court, the touching of a 67-year-old janitor against a girl "does not constitute a crime" because it is deemed too short to be defined as such. The man was acquitted because, as the judges of the Rome court wrote in the reasoning of the sentence, the "suddenness of the action, without any insistence in touching," to be considered "almost a

brushing," does not allow to "establish the libidinous intent or general concupiscence required by the criminal norm" (Canepa & Gonzato, 2023).

As also highlighted by D.i.Re ("Donne in Rete contro la Violenza" or English "Women Networking Against Violence") in the report released in 2020, there is a problem of secondary victimization in courtrooms (domestic violence and witnessed violence are not adequately recognized, and court-appointed relationships practically turn into judgments that re-victimize women), there is an issue of judicial preparedness, malfunctioning within the judicial system (as stated by Senator Valeria Valente of the Democratic Party, president of the Femicide Commission), and the 'protection' provided by the State. But it's not just that. There's a 'culture' of gender-based violence that's even more dangerous, insidious, and pervasive in society, so much so that it's taken for granted by many women and underestimated by men.

In police stations, courtrooms, newspapers, and on TV, women who report or share their stories of violence are transformed from victims (a term that, let's remember, does not define them in their entirety as human beings but indicates a person who has suffered a crime and deserves justice) to suspects. They are asked to account for their actions, their behavior, their clothing, their relationship with their own bodies, and their way of relating to others. They are asked to prove, beyond any reasonable doubt, that they were not asking for it, instead of investigating the allegations (Giannelli, 2024).

"What were you wearing?", "Were you drunk?", "Did you scream?", "Why did you wait so long to report?", "If there are jeans, there can't be rape", "Five seconds is too short to be harassment", "If the harassment lasted more than 10 seconds, it's because you didn't resist";

These are just some examples from the endless array of questions from interrogations, verdicts, and newspaper articles. Many have been analyzed in the Step project by the University of Tuscia and Differenza Donna to "investigate the stereotypes and prejudices that affect women victims of violence in the judicial and media realms."

*"The Court found that the language and arguments used by the Court of Appeal conveyed existing prejudices in Italian society regarding the role of women and could constitute an obstacle to the effective protection of the rights of victims of gender-based violence, despite a satisfactory legislative framework. The Court was convinced that criminal proceedings and sanctions played a crucial role in the institutional response to gender-based violence and in fighting gender inequality. It is therefore essential that judicial authorities avoid reproducing sexist stereotypes in court decisions, minimizing gender-based violence and exposing women to secondary victimization through blaming and judgmental comments capable of discouraging victims' confidence in the judicial system."* With these words, the European Court of Human Rights sanctioned Italy as early as May 2021. But as news stories remind us all too well, things have not changed. Not yet at least.

Some of these phenomena are deeply rooted in our society and culture to such an extent that women themselves, born and raised in certain dynamics, unconsciously live and enact a series

of behaviors that align with the patriarchal model, passing on to new generations' typical behaviors of this culture. This leads to warning signs such as possessiveness, jealousy, and needing permission from a man not being immediately recognized as signs of an unequal relationship. The escalation of violence in a relationship has accelerated compared to the past: according to Elisa Ercoli, president of the Association for the Prevention and Overcoming of Gender-based Violence, Differenza Donna, today it occurs within a maximum period of three years compared to ten in the past.

## Media Representation

The study mentioned before, made by the University of Tuscia, in partnership with the Association Differenza Donna NGO and with the contribution of the Presidency of the Council of Ministers - Department for Equal Opportunities, as part of the project "STEP - Stereotype and Prejudice Towards a Cultural Change in Gender Representation in the Judiciary, Law Enforcement, and Media Discourse" analyzed the social representation of gender-based violence through the study of articles and judgments. The research analyzed a total of 16,715 articles over 3 years, from 2017 to 2019. The crimes considered were domestic violence, sexual violence, homicide/femicide, trafficking, enslavement of human beings, and stalking.

The STEP project falls within the scope of projects aimed at preventing and combating violence against women, also in implementation of the Istanbul Convention and it investigates the stereotypes and prejudices affecting women victims of violence within the judiciary, law enforcement, and the media. It is believed that these stereotypes not only increase the risk of exposing women to secondary victimization but also, perhaps more importantly, weaken judicial action, thus contributing to the maintenance and reproduction of the cultural context that constitutes the condition and premise for occurrences of violence against women.

The next figure, from the mentioned research, represents the cloud of words, most frequently recurring in all 16,715 analyzed articles. As known, in a word cloud, the larger words are those used most often in the analyzed texts, while the smaller ones are used less frequently. They called it "Find the Perpetrator" because, in this graphic synthesis of the representation of violence through the press, the perpetrator simply isn't there. The centrality of the words "woman," "women," "violence," "stalking," and "Carabinieri" is noticeable, but is almost impossible to find "husband," "man," and "partner".



the treatment of the murder (2023). From the representation of couple photos, despite the separation, to the differentiated identification of him (full name) and her (Giulia) in the media, to the softening of the context with light allusions such as "love escape" or "cookies." The lack of contextualization, neglecting the possibility of other similar cases, underscores the need for more responsible communication in the field of crime reporting.

## Analysing Current Governmental Approaches: Legislation and Institutional Dynamics

"Family, equal opportunities, and natality" are the priority areas considered "closely connected" to the program within the competence of Minister Eugenia Roccella, a member of the government chaired by Giorgia Meloni since October 22, 2022. In this programmatic agenda, the policies against violence are placed, led by a department to which, for the thirteenth time since its establishment, no portfolio has been assigned to its leader - an indication of the repeated low attention given to the issues within its competence. In the first year of work, the Meloni government focused mainly on promoting the draft law "Provisions for combating violence against women and domestic violence" (Roccella Code), approved on October 26, 2023, by the Chamber of Deputies. The text focuses almost exclusively on strengthening measures of Punishment and Tertiary Prevention through amendments to the penal code and the code of criminal procedure. In terms of Secondary Prevention, it provides for two initiatives. The first concerns the preparation of national guidelines for "adequate and homogeneous" training of operators who, in various capacities, come into contact with women who experience violence, to be drawn up within 12 months from the entry into force of the law with the support of the Technical-Scientific Committee of the Observatory on violence against women, after consultation with the Assembly of the Observatory itself. The second pertains to the inclusion of specific training initiatives in the field of combating violence against women and domestic violence in the programmatic guidelines proposed annually by the Minister of Justice to the School of Magistracy. The draft law completely ignores primary prevention and contains the financial invariance clause, meaning it does not entail additional costs by public finances. In addition to this initiative, the majority and the parliamentary opposition have presented other legislative proposals, outlining the approaches and actions that Italy should adopt to strengthen the anti-violence system.

ActionAid's research called "Prevenzione Sottocosto" ("Undervalued Prevention") in 2023 showed that during the XIX legislature, political parties submitted 48 bills to the Parliament containing one or more provisions to prevent and counter male violence against women. The proposed norms predominantly focused on Punishment-related issues (32%), followed to a lesser extent by Protection (27%), Prevention (25%), and System Actions (16%).

Only 13 out of 48 bills/initiatives envisage financial coverage. For the remaining ones, no burden was proposed on public finances. Overall, the Democratic Party was the most active

political force in the Parliament on this issue, followed by the Five Star Movement and the Green and Left Alliance. Therefore, it was the opposition parties and movements that submitted the highest number of legislative proposals (189) and non-legislative acts (117) to the Chamber and Senate, showing a fairly thematic interest (ActionAid, 2023).

The majority, on the other hand, mainly submitted proposals related to Protection (30) and System Actions (23). Fratelli d'Italia was the most active party, focusing on issues related to all the intervention axes provided for by the Istanbul Convention, but primarily prioritizing Protection (11) and Punishment (11) (ActionAid, 2023).

The analysis of public spending trends from 2015 to 2023 and the political activity of the Government and Parliament in the first year of the current legislature highlights a greater interest and increased awareness of the need to eradicate male violence against women. The increase in resources is evidence of this, although their distribution continues to reflect an emergency approach rather than a structural one to the phenomenon. Indeed, a medium and long-term prevention strategy that addresses the widespread patriarchal and male-chauvinistic culture of the country, which produces discrimination and violence against girls and women, is absent. The cultural change so often invoked by political forces from both the old and new legislatures is not achievable at zero cost to the state treasury. The prevention promoted by the current Government mainly focuses on interventions to prevent recidivism and increase the protection of women who have experienced violence. These are certainly important initiatives, but - according to the Istanbul Convention - states also have an obligation to adopt norms and measures to promote changes in sociocultural behaviors to eliminate prejudices, customs, traditions, and practices based on the idea of the inferiority of women or stereotyped models of women's and men's roles.

Additionally, despite the progress made under the pressure exerted by the women's movement, civil society, and European legislation, Italy lacks adequate gender infrastructure at the central level to promote, coordinate, and monitor initiatives in favor of gender equality. There is no systemic and structural coordination between the different ministries involved from time to time by individual regulatory acts and by those of general guidance—such as financial and budgetary laws—aimed at supplementing political choices and resource allocation with a specific gender impact assessment (ActionAid, 2023).

At the central level, despite its broad mandate, the Department for Equal Opportunities suffers from political and institutional weakness due to its secondary, if not subordinate, position within the government hierarchy. The action of the political representative of the Department has always been compromised by a lack of resources, short mandates (13 in 24 years), and sometimes a lack of experience and specialization in gender issues, a problem often found among officials as well.

In this case, the Minister of the Department of Equal Opportunities, Maria Eugenia Rocella, has often been criticized for her conservative and outdated political positions. In May of this year, the "States-General of Natality" was launched, an event organized by a pro-family

foundation that fights against the demographic crisis, in front of an audience filled with school groups. At the opening of the meeting, Minister Roccella, at the beginning of her speech, was subject to a very noisy protest by a few dozen young people from a collective, who claimed with slogans somewhat reminiscent of the seventies ("I decide on my body") the right of women to self-determination. To calm the protesters, the organizers gave the floor to a girl from the collective, who read a statement criticizing anti-abortion policies and the cultural model based on the traditional family. During this intervention, the minister left the room, and a few minutes later, she asked for solidarity on Facebook " (...) after the act of censorship that prevented me from speaking this morning", accusing the school girls of "fascism" (La Repubblica, 2024).

Again, a couple of months before there were moments of tension at the Turin Book Fair, where a group of climate activists from Extinction Rebellion and the feminist association "Non una di meno" protested against Minister Roccella, who was presenting her book, "Una famiglia radicale" ("A Radical Family"). Approximately fifty people interrupted her, lying on the ground to avoid being removed and shouting slogans such as "What state, what God, I decide on my body" and "Shame, shame" (Il Post, 2024).

The political ideology of the ruling party is crucial for gender equality, with left-wing parties generally being more proactive than right-wing parties in promoting gender equality policies and institutionalizing policies against GBV. For example, in Spain, long periods (22 years) of majority government with the socialist party (PSOE) and a strong feminist presence within left-wing parties (first PSOE, and then Podemos) have ensured continuous progress in advancing the gender equality agenda. In contrast, in Italy, the center-left PD has had fewer opportunities to govern and has often governed with unstable majorities that have contrasted equality policies (Lombardo & Del Giorgio, 2013).

Overall, the mechanisms for gender equality are particularly vulnerable to changes in government, a factor that affects the continuity and coherence of equality policies, as well as their interaction with civil society given the lack of institutionalized consultation channels or the requirement for mandatory consultation as a legitimacy requirement for adopted acts.

## Role of NGOs and Civil Society in Shaping Legislative Change:

Non-governmental organizations (NGOs) and civil society have played a crucial role in driving legislative change and raising awareness about gender-based violence in Italy. Their efforts highlight the power of grassroots activism in challenging patriarchal structures and advocating for more protective and progressive laws. This section examines how tragic events and public mobilization have catalyzed legal reforms.

From a feminist perspective, particularly liberal feminism, grassroots activism and the work of NGOs are vital in pushing for systemic changes that ensure equality and justice for women. Liberal feminism emphasizes the importance of legal and political reforms to achieve gender

equality, and this is evident in how NGOs have influenced legislative changes in Italy. By mobilizing public opinion, these organizations have pressured the government to address issues of gender-based violence more effectively.

One of the most significant shifts in Italian legislation regarding gender-based violence was influenced by the case of Franca Viola in the 1960s. Viola's refusal to marry her rapist, despite societal and legal pressures, sparked widespread public debate and mobilization. NGOs and women's rights activists used her case to highlight the injustices inherent in the "reparative marriage" law (Article 544 of the Criminal Code). Persistent activism led to the eventual abolition of this law in 1981, marking a significant victory for women's rights in Italy.

The introduction of the "Red Code" law, which included provisions against revenge porn, was significantly influenced by the tragic suicide of Tiziana Cantone in 2016. Tiziana took her life after intimate videos of her were shared online without her consent, leading to widespread public outrage and calls for legal reform. Despite initial resistance, sustained advocacy and a petition garnering over 125,000 signatures led to the law's enactment in 2019. This case shows how public mobilization and advocacy can drive legislative action, even amid entrenched legal and cultural norms.

Another example in Italy is the increased attention to acid attacks following high-profile cases such as those involving Carla Caiazzo, Lucia Annibali, and Gessica Notaro. These women were subjected to acid attacks by their partners, leading to severe and permanent disfigurement. The media coverage and public outcry surrounding these cases culminated in the 2017 bill aimed at introducing the crime of "identity murder" into the Italian penal code, framing such attacks as a specific form of gender-based violence. A combination of public pressure, NGO advocacy, and the compelling personal stories of the victims drove this legislative change.

Between the most recent, another case is the tragic murder of Giulia Cecchettin in 2023 by her ex-boyfriend. NGOs, alongside ordinary citizens, organized massive protests in the whole country, with 500,000 people gathering in Rome and 30,000 in Milan on the International Day for the Elimination of Violence against Women. *«We all knew that Giulia wouldn't be coming back, despite the narrative of the missing young couple – noted Pamela Marelli, an activist from Non una di meno Brescia. – We are at 105 women killed since the beginning of the year. We wish that Giulia were the last, but this is possible not only with a repressive culture because we know that prison does not allow for the rehabilitation of people. We need prevention, funding for anti-violence centers, and emotional and sexual education in schools, because only by dismantling the culture of possession can we have relationships of love that begin and end without the woman risking her life»*. This public pressure has been crucial in pushing for stricter enforcement of existing laws and calling for new preventive measures. Such manifestations demonstrate the critical role of civil society in demanding justice and systemic change. This case is why it was introduced the "Rocella Code".

NGOs such as the Anti-violence Network, Non-Una Di Meno, Di.Re., and many more, have been instrumental in not only providing support to victims of gender-based violence but also in shaping public discourse and influencing policy.

However, while NGOs and public mobilization have been effective in bringing about legislative changes, challenges remain. For instance, proposals such as Matteo Salvini's suggestion for chemical castration as a punishment for sexual offenders reflect a punitive rather than preventive approach. After a 13-year-old was raped by a gang of seven in front of her boyfriend, threatened, blocked, and kept away, Salvini says: *"Don't talk to me about 'tolerance' or 'mistake'. In the face of such horrors, there can be no mercy but only a cure: Chemical castration. I expect the proposal presented by the League to be voted on as soon as possible."* This kind of punitive measures would fail to address the underlying patriarchal norms that perpetuate violence, additionally, it is condemned by the Council of Europe and many associations for human rights.

However, the continued efforts of NGOs and civil society provide opportunities for progress. Educational campaigns, public awareness initiatives, and sustained activism can help shift societal attitudes and foster a culture that does not tolerate gender-based violence. By aligning their efforts with international frameworks such as the Istanbul Convention, NGOs can leverage global standards to advocate for more comprehensive and effective measures. Tragic events often serve as catalysts for public mobilization, leading to significant legislative reforms. The integration of feminist theories, particularly liberal feminism, highlights the need for continuous advocacy and public engagement to dismantle patriarchal structures and promote gender equality. As Italy continues to grapple with the challenges of gender-based violence, the persistent efforts of NGOs and civil society remain crucial in driving progress and ensuring justice for all women.

## DISCUSSION

Research from UN Woman (2022) shows that globally around 736 million women—almost one in every three—have been subjected to physical and/or sexual intimate partner violence, non-partner sexual violence, or both at least once in their lives. GBV is a pervasive issue that affects women worldwide. Recently, a new TikTok trend, originating in the UK and spreading globally, posed a question to users in various countries: "Would you rather encounter a man or a bear if you were alone in a forest?" This question garnered 16 million views worldwide, with an overwhelming number of respondents preferring the bear. Responses such as, "I know the intentions of a bear; those of a man, I do not," and "The worst thing a bear can do is kill you; a man can rape you and then kill you," reflects a profound fear of VAW. This high contrast shows the pervasive threat of male violence and the societal failure to protect women. As Liberal Feminism highlights, women should have the same opportunities and freedoms as men, including the right to feel safe in public and private spaces. The fact that a majority of women in the TikTok video would rather face a bear than a man indicates a deep-seated fear of GBV.

From a liberal feminist viewpoint, this situation reveals the failure of societal and institutional structures to protect women's rights to personal safety and freedom from violence.

As we can see, the fear of GBV transcends geographical boundaries and cultural differences, resonating with women from diverse backgrounds. It reflects the underlying reality of pervasive violence and harassment that women encounter in their daily lives, irrespective of where they come from. From verbal abuse and sexual harassment to physical assault and domestic violence, women face various forms of GBV, which profoundly impact their sense of safety and well-being.

In the European Union, GBV jeopardizes the safety of half the population, making true peace and security unattainable as long as women fear for their lives: 83% of young women (aged 16 to 29) in the EU avoid certain situations or places out of fear of physical or sexual assault. Each year, 2,300 women in Europe are killed by their partners or ex-partners (EIGE, 2022). One in three women has endured physical and/or sexual violence, and one in two women has faced sexual harassment since the age of 15. Gender-based violence is a pervasive global issue that has been extensively studied and documented by numerous international organizations over the years. It is also a central concern of the UN, SDG Goal 5, which aims to achieve gender equality. Nevertheless, for this study, I have chosen to examine more in-depth the situation in Italy. Despite the introduction of new legislation and initiatives, recent years have witnessed an alarming increase in GBV in the country.

Italy has implemented several legislative measures aimed at combating GBV, with the "Red Code" law (Codice Rosso) being one of the most significant. This law, which came into effect in August 2019, introduced rapid intervention protocols, harsher penalties for violent crimes, and specific training for law enforcement personnel on GBV issues. Despite these robust measures, the effectiveness of these legislative efforts appears limited when evaluated against the persistently high rates of femicide and other forms of violence against women. For example, the number of women killed by intimate partners has remained stable even after the implementation of these laws. This suggests that while legislative measures are necessary, they are insufficient on their own to significantly reduce GBV. Societal attitudes towards gender roles and norms play a crucial role in shaping the outcomes of these legislative measures. In Italy, deeply entrenched patriarchal norms and sexist attitudes, which liberal feminists argue perpetuate inequality, continue to fuel violence against women. According to the Gender Social Norm Index of the United Nations, a significant portion of the Italian population holds prejudices against women, with many justifying physical, sexual, and psychological violence under certain conditions. These attitudes not only hinder the effectiveness of legislative measures but also contribute to the normalization of violence, as seen in the leniency often shown by the judiciary towards perpetrators of GBV.

International frameworks, such as the Istanbul Convention, have been pivotal in shaping Italy's legislative response to GBV. Liberal Feminists argue the importance of these international frameworks, such as The Istanbul Convention, ratified by Italy in 2013, which is the first legally binding international instrument that creates a comprehensive legal framework to protect

women against all forms of violence. This Convention emphasizes prevention, protection of victims, and prosecution of offenders, providing a normative framework that member states, including Italy, are encouraged to implement. Despite the introduction of such frameworks, the interplay between Italy's legislative measures, societal attitudes, and international frameworks still highlights a complex landscape in the fight against GBV. Additionally, the media's role in perpetuating harmful stereotypes and victim-blaming narratives further exacerbates the problem. Through exaggerated reporting and biased language, the media often reinforces existing power dynamics and undermines efforts to challenge patriarchal structures. The Istanbul Convention explicitly states that violence against women *"is a manifestation of historically unequal power relations between men and women, which have led to women's domination and discrimination against them by men and prevented their full emancipation."* This structural nature of violence against women is one of the crucial social mechanisms through which women are forced into a subordinate position to men.

Therefore, social strategies and primary prevention play a critical role in addressing the root causes of GBV by challenging cultural attitudes and societal norms that perpetuate gender inequality. Recent research has shown that educational campaigns aimed at promoting gender equality from an early age can significantly impact attitudes towards women and violence. For instance, the study by Flood and Pease (2009) emphasizes the importance of comprehensive educational programs that address gender stereotypes and promote respect and equality among students. Also, the research from Smith., Hurst., & Linden-Perlis. (2022) proved that using professional development resources to support the inclusion of gender equity in early childhood teaching can positively impact attitudes towards women. Another similar research from Xiaoying, Zeng. (2023) in the Nordic countries had the same outcome.

In addition to educational interventions, public awareness campaigns are crucial in reshaping societal attitudes and reducing tolerance for GBV. According to a 2020 report by the United Nations Development Programme (UNDP), societal norms and stereotypes are significant predictors of violence against women. These campaigns can help in altering public perceptions and reducing the stigma associated with GBV. Another study from UN Women (2010) shows that educational programs that teach young people about consent and respectful relationships have been proven to reduce the incidence of violence later in life. Community-based interventions that engage men and boys in discussions about gender norms and violence have also proven effective. These programs not only raise awareness but actively work to change behaviors and attitudes that contribute to GBV.

While primary prevention is crucial, it must be complemented by the effective enforcement of existing laws. One unexpected finding in my research was the significant discrepancy between legislative intent and practical outcomes. Despite comprehensive laws, implementation remains inconsistent, and survivors often face barriers to justice. This highlights the need for ongoing monitoring and evaluation of legislative measures and the importance of addressing systemic issues within law enforcement and judicial systems. Building a culture of accountability is crucial for addressing GBV. This means holding perpetrators accountable for their actions and ensuring that justice is served. It also involves creating environments where

individuals feel safe to speak out against violence and where institutions are responsive to their needs. Accountability at all levels, from individual to institutional, is necessary for meaningful change, a principle central to liberal feminist ideals of challenging power imbalances and fostering societal equity.

Studies have highlighted that while legal frameworks are necessary, they are not sufficient on their own. For example, research by Nussbaum (1999) argues that legislative measures must be complemented by consistent enforcement and judicial sensitivity to be effective. This is supported by data from Italy, which shows that despite the introduction of comprehensive laws, the rates of femicide and other forms of violence against women have not significantly decreased. Research indicates that countries with robust legal frameworks and enforcement mechanisms experience lower rates of GBV. In fact, the World Health Organization (WHO) emphasizes the need for comprehensive training programs for police and judicial officials to improve their response to GBV cases. This ensures that victims receive justice without further victimization, which is a significant deterrent to future violence.

The involvement of government ministers and officials is crucial in championing these initiatives. Their advocacy can drive the implementation of gender-sensitive policies and ensure that GBV remains a priority on the national agenda. Effective policy-making requires collaboration with non-governmental organizations (NGOs) and civil society groups. These organizations are often on the front lines of the fight against GBV and possess valuable insights and expertise. Policymakers should actively engage with and support these groups, fostering partnerships that can enhance the reach and impact of GBV initiatives. NGOs play a vital role in providing support services, raising awareness, and holding the government accountable for its commitments to gender equality.

The evidence suggests that neither social nor legal strategies alone can effectively combat GBV. Instead, a dual approach that integrates both is necessary. This approach is supported by international frameworks such as the Istanbul Convention, which emphasizes the need for both prevention and protection, highlighting the importance of addressing cultural attitudes alongside legal measures. Research from other EU countries also supports the effectiveness of a dual approach. For example, in Spain, the combination of comprehensive legal measures and extensive public awareness campaigns has led to a more conscious community where women feel safer to speak up (UN Women, 2019).

In 1998, Spain enacted the General Advertising Law to eliminate sexual discrimination in commercial activities, countering the commodification of the female body and the spread of offensive communication models. This legislative effort was complemented by initiatives to change the vocabulary used by the public, promoting appropriate language in media discussions of gender abuse and encouraging self-criticism within the editorial boards of major news outlets. This cultural shift was crucial, as it helped to dismantle critical societal attitudes that contributed to the perpetuation of GBV. Spain also implemented rehabilitation programs for perpetrators of GBV. Today, there are three such programs: two within the prison system and one voluntary program outside judicial mandates. Various studies, such as the ones from

Bárbara, Sordi & Stock (2015) or from the researcher Jorge, Rodríguez-Menés (2023) have shown the effectiveness of these programs in preventing recidivism. Clinical tests, in particular, indicate significant psychological changes among participants, including improved attitudes toward the opposite sex, reduced jealousy, and better relational dynamics.

Furthermore, Spain has established specialized courts to handle cases of violence against women. Currently, there are 106 courts dedicated exclusively to gender-based violence, accompanied by numerous training initiatives for both technical operators and the general public. These initiatives include specific programs in schools and universities, emphasizing the need for specialized knowledge to effectively address GBV cases. Spanish courts have reported a 10% increase in complaints related to violence against women, indicating that more women are now coming forward to report abuse and seek help from institutions (Ansa, 2022). This increase reflects greater public awareness and trust in the legal system to protect their rights.

While Italy has made significant strides in legislative reform, cultural and societal attitudes continue to undermine these efforts. Adopting strategies similar to those implemented in Spain, such as promoting linguistic changes, establishing rehabilitation programs for perpetrators, and creating specialized courts, could enhance the effectiveness of Italy's measures against GBV. A comprehensive strategy that includes legal, educational, and cultural interventions is essential to effectively combat GBV in Italy. By learning from the improvements of countries like Spain, Italy can work towards dismantling patriarchal structures and ensuring a safer and more equitable society for all women.

## **CONCLUSION:**

This study utilized a qualitative case study methodology to explore the persistence of gender-based violence (GBV) in Italy, focusing on the interplay of factors such as societal attitudes, legal frameworks, institutional responses, and cultural norms. Grounded in liberal feminist theory, the research examined how deeply entrenched patriarchal structures and societal attitudes continue to undermine legislative measures aimed at eradicating GBV.

Despite progressive legislation such as the "Red Code" and adherence to international frameworks like the Istanbul Convention, GBV remains prevalent in Italy. The findings reveal that societal attitudes and cultural norms, which often perpetuate victim-blaming and gender stereotypes, significantly hinder the effectiveness of these laws. Furthermore, the judicial system's leniency and occasional biases further exacerbate the problem, undermining the intent of legislative measures.

International frameworks provide essential guidelines and support, but their successful implementation requires substantial changes in societal attitudes and robust enforcement of laws. The role of NGOs and civil society organizations has been crucial in advocating for

victims and pushing for legislative changes, yet their efforts need to be complemented by comprehensive educational and cultural interventions aimed at dismantling patriarchal norms.

In conclusion, to answer our research question: “What factors contribute to the persistence of GBV in Italy despite actions aimed at its eradication?” we can say that the persistence of GBV in Italy is driven by a complex interplay of cultural, legal, and institutional factors. Addressing these requires a multifaceted approach that not only strengthens legal measures but also transforms societal attitudes and ensures rigorous enforcement of laws. By learning from the comprehensive strategies employed by other countries, such as Spain, Italy can move towards creating a safer and more equitable environment for women.

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## ANNEX:

### PROFILES OF KEY NGOs:

**Non Una Di Meno:** Born in Argentina in 2015, the campaign "Ni una di menos" ("Not One Less") has been uniting feminist activists and thousands of people who want to say "enough" to femicide and various forms of male violence against women, demanding structural political and social change. In Italy is active since 2016.

**Donne in Rete Contro la Violenza: D.i.Re:** It is the first and only Italian network on a national scale of non-institutional Anti-Violence Centers managed by women's associations. It includes 77 anti-violence centers and women's shelters that, in thirty years of activity, have accompanied and supported thousands of women in leaving violence and reclaiming freedom. Their goal is to build pathways to freedom for women.

**Association Differenza Donna:** The Association "Differenza Donna APS" is a women's organization based in Rome, founded in 1989, with the mission of bringing to light, opposing, and preventing gender-based violence and all social issues affecting women's lives, spreading a gender culture that supports women's rights.

**Amnesty International:** Amnesty is a supranational non-governmental organization committed to defending human rights. The aim of Amnesty International is to promote, independently and impartially, respect for the human rights enshrined in the Universal Declaration of Human Rights.

**ActionAid:** ActionAid Italy is an independent organization engaged in international and national projects in support of fundamental rights. The organization conducts awareness and advocacy campaigns, actively fighting against gender stereotypes. It calls upon institutions to provide effective responses through adequate services and legislative changes where necessary protections are still lacking. To achieve this, existing services and institutional responses are analyzed and monitored to propose solutions that better meet the needs of women and girls.