

***E.MA European Master's Degree in Human rights and  
Democratisation***

*Italy and Portugal. Within the European Union, two different  
approaches to the violation of women's rights: the case of  
stalking and domestic violence*

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## *Abstract*

*The thesis aims at highlighting the reasons behind the positive obligation of the Italian State to protect the women's human rights by enacting a law on domestic violence.*

*In order to prove this, the case of stalking stemming from domestic violence is taken into consideration, underlining as the stalking law, the only comprehensive one available in Italy to protect women from violence, is not sufficient to reach this objective.*

*To show the need for a thorough law for women to successfully enjoy their human rights, a comparison with the current Portuguese legislation on domestic violence is offered, drawing attention to how a successful implementation of laws on domestic violence in the country has led to an at least slightly improve of the situation in the country.*

*Hence, a proposal to Italy to follow the Portuguese's path is made.*

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*To all the women victims of violence in the world and to all the men that do not believe in violence.*

## *Introduction*

The issue I decided to analyse in my thesis is stalking deriving from a history of domestic violence that may end up in the death of the woman.

I will focus on Italy and Portugal's different realities, by presenting the situation in the two countries and highlighting the various measures, if any, enforced to contrast the social problem of domestic violence and consequently stalking deriving from it.

By choosing to dedicate my thesis to this topic, I want to clarify that I do not ignore or underestimate the existence of stalking as a form of violence also from women on men and generally speaking, a presence of violence in the society from both sides nowadays, but to follow my interest and the perception, then confirmed by my researches, that violence on women is by far the most widespread phenomenon in the world and the one that encompasses the highest amount of physical and sexual violence, as well as psychological one, from which sometimes the wounds are more difficultly healed, (if healed at all), I decided to concentrate the researches onto this.

In order to understand the issue I will analyse in my thesis, it is necessary to give the general framework in which these two matters can be placed. Hence, I will start by a brief overview of violence on women in an historical context. I will then present the concept of *femicide*, as it has been defined in literature and its first application in the world wide famous case of Ciudad Juarez in Mexico. In the second chapter, I will then provide some data of the situation in the world and the international legal framework that protects or ought to protect the women (CEDAW and Council of Europe's Istanbul Convention).

Subsequently, I will present the situation in Italy, the few data available and underline as the lack of data and the absence of a law on domestic violence are themselves sign of still how little has been done to fight the phenomenon. Another point of critique I will bring forward is the role of the media in perpetrating a wrong message, therefore not contributing to create a new culture of respect towards women.

Thereafter, I will present the Italian stalking law, its weaknesses and strengths, whether or not the State fails in its positive obligation of effectively protect the women, affirming as alone it is not sufficient to fight the reality of violence on women in the country.

Lately, I will present the situation in Portugal and the process that has led to the enactment of the 2009 law on domestic violence, whose application is improving the situation of domestic violence in the country.

I will eventually recommend the creation of a law on domestic violence in Italy.

## Chapter 1- Violence on women and femicide: general concepts

*Gender-based violence is perhaps the most wide-spread and socially tolerated of human rights violations...It both reflects and reinforces inequities between men and women and compromises the health, dignity, security and autonomy of its victims.*  
(United Nations Population Fund, 2005)<sup>1</sup>

Throughout the course of history, women have always been subjected to violence. Practices and stances that allowed violence on women have been present at all levels of society, such as in the domestic context, within the community as well as institutionalised at the state level<sup>2</sup>.

Consequently, violence on women and more broadly, violations of women's rights, have been considered acceptable for an extremely long time.

Indeed, it is only in 1993, at the *Vienna World Conference on Human Rights*, that the *United Nations* (UN) acknowledged for the first time that women's rights are human rights. In the same conference, violence on women has been declared a violation of women's rights<sup>3</sup>.

The conference called upon the need to adopt effective measures to end the violence, specifying *gender-based violence* among the forms of violence on women upon which put an end to, including sexual harassment and exploitation as well as violations of women's rights in armed conflicts<sup>4</sup>. The conference also established the *Special Rapporteur for women's rights*, which will have to investigate on violations whenever a report will be filed to the *High Commission of Human Rights* (HCHR)<sup>5</sup>.

Later on the same year, the *UN General Assembly* (GA) adopts the *United Nations Declaration on the Elimination of Violence against Women*, that defined violence on women as “*any act of gender-based violence that results in, or is likely to result in,*

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1 UNPF, found in Johnson et al., 2008, p. 1.

2 Johnson et al., 2008, p. 3.

3 Spinelli, 2008, pp. 143-144.

4 Ibidem.

5 Ibidem.

*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*”<sup>6</sup>.

Furthermore, in the declaration it is specified that the various types of violence might be perpetrated within the family, in the society as well as the State itself might be involved and responsible for it, condoning and not punishing the violence as well as actively committing harmful practices on the women<sup>7</sup>.

Thus, this acknowledgement rejects what historically had always been accepted.

An example of violence on women where the State can be responsible is *femicide* as it happened in some countries (and unfortunately still does nowadays), which has been studied and denounced by the authors I will present thereafter.

In her 2008 book on the history of the fight for women's rights and the concept of *femicide*<sup>8</sup>, Barbara Spinelli gives an insightful overview and explanation of the studies that have been conducted until then on violence on women and *femicide* as the umbrella term used to describe it.

In my view, for the scope of my research it is paramount to start from this analysis, given the necessity to define a phenomenon in order to acknowledge the existence of it and in response to the many commentators that, for instance in my country, Italy, deny the reality of violence on women as endemic in the society.

The first to name and give a comprehensive definition of *femicide* has been Diana Russell, a South African-American sociologist and criminologist whom in her 1992 book “*Femicide. The politics of woman killing*”, together with Jill Radford, argues about the need to name the problem and distinguish it by the simple literal meaning of *murder of a woman*<sup>9</sup>. She therefore first describes *femicide* as “*the misogynist killing of women by men*”<sup>10</sup> and later on, in 2001, in the book “*Femicide in global perspective*” as

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6 A/RES/48/104, 20 December 1993, Art. 1-2.

7 Ibidem.

8 Spinelli, 2008.

9 Spinelli, 2008, p. 32.

10 As reported in Russell, Diana, speech given at a UN symposium on femicide in Vienna, Austria, on November 2012, by referring to her first book “*Femicide. The politics of woman killing*”, found on



“the killing of females by males because they are females”<sup>11</sup>, thus identifying gender, the hierarchical roles imposed by society and culture on the relationship between men and women, as the primary issue involved in the violence endured by women and girls.

In order to include also girls as well as women in the definition, she switched from using “women” to using “female”<sup>12</sup>. It is therefore not only misogynistic hate towards women that motivates men to kill them, but also sexist hate, that makes men feel legitimated and superior in doing it, moved by lust and by a sense of possession on them, explained Russell in her second book<sup>13</sup>.

Besides this important contribution in defining femicide itself, Russell highlights how ***violence on women is not a private issue, but a public one***, therefore a political problem, as the title of her first book suggests<sup>14</sup>.

Following her thought, we can understand why, still today, from many sides we have a denial of femicide as something that exists and happens and it is responsibility of the State and all of us to stop; because the societies embedded in the patriarchy system that rules and detains the power cannot admit this.

In Russell's own words: “*Femicide is a phenomenon that the patriarchy's interests worry about denying: instead of contributing in spreading the knowledge about the extent of the phenomenon and thus making it become of political and social interest, the most powerful institutions of the patriarchy, such as the legislative power, the judiciary, the police, the media, have been widely denying the existence of femicide. The main way to overshadow the issue of femicide is its individualization*”<sup>15</sup>.

This happens in such a way that, still nowadays, in most of the countries of the world, we can see how violence on women goes under reported and under estimated, therefore leading to inaction and lack of means to protect and empower women.

Consequently derives the relevance of naming and denouncing femicide in order for it to be recognised and therefore becoming the centre of the debate to sort out the problem

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<http://www.dianarussell.com/defining-femicide-.html>, (consulted on 5 June 2013).

11 Ibidem.

12 Spinelli, 2008, p. 23.

13 Spinelli, 2008, pp. 35-36.

14 Spinelli, 2008, p. 33.

15 As in Spinelli, 2008, p. 34. Author's translation.

of violence on women.

Furthermore, Russell and Redford provide us with a list of conducts that, in a *continuum* that sees an escalation of violence, may lead to femicide.

In their own words: “*Femicide is on the extreme end of a continuum of anti female terror that includes a wide variety of verbal and physical abuse, such as rape, torture, sexual slavery (particularly in prostitution), incestuous and extra familial child sexual abuse, physical and emotional battery, sexual harassment (on the phone, in the streets, at the office, and in the classroom), genital mutilation (clitoridectomies, excision, infibulations), unnecessary gynaecological operations (gratuitous hysterectomies), forced heterosexuality, forced sterilization, forced motherhood (by criminalizing contraception and abortion), psychosurgery, denial of food to women in some cultures, cosmetic surgery and other mutilations in the name of beautification. Whenever these forms of terrorism result in death, they become femicide*”<sup>16</sup>.

Later on, in 2011, upon delivering the speech called “*The origin and importance of the term femicide*”, Russell will add that femicide also includes: “*covert forms of the killing of females, such as when patriarchal governments and religions forbid women's use of contraception and/or obtaining abortions. Consequently, millions of pregnant women die every year from botched attempts to abort their foetuses*”<sup>17</sup>.

Russell in 2011 also strongly affirms as *Human immunodeficiency virus infection/Acquired immunodeficiency syndrome* (HIV/AIDS) can be considered as a form of mass femicide, given the promiscuous behaviour of men that, by avoiding using condoms with their partners (wives or fiancés) or with prostitutes, contribute to the spread of the virus. This, in turn, condemns the women to die<sup>18</sup>, especially in countries where treatments are of difficult reach or not present at all.

Personally, I believe naming and specifying all the acts that may be included in the use of the term femicide is even more important than the mere definition of it, because it

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16 Redford & Russell, 1992, p. 15.

17 Russell, Diana, speech delivered on 10 December 2011 in a conference in Amsterdam, available at [http://www.dianarussell.com/origin\\_of\\_femicide.html](http://www.dianarussell.com/origin_of_femicide.html), (consulted on 6 June 2013).

18 Ibidem.

gives us an idea of how many variants and ways there are, in the different cultures of the world, to use force and violence on women, some of which are even institutionalised.

Another important scholar that contributed to the analysis and definition of femicide after Russell was Marcela Lagarde, a Mexican feminist, Professor of Anthropology and Sociology at the *Universidad Nacional Autónoma de México* (UNAM)<sup>19</sup>.

By introducing her concept of femicide, which in English remains the same word for both of the two definitions, it is relevant to highlight that in the original language instead, Spanish, Marcela Lagarde used the word *feminicidio*, to distinguish it from the femicide (*femicidio* in Spanish or Italian) of Russell's definition and from the literal meaning. As affirmed by Spinelli in her introduction, this has brought a lot of confusion in the translation of femicide to Latin languages such as Spanish and Italian, by using *feminicidio* even with the narrower meaning given from Russell<sup>20</sup>.

What is then the definition of femicide as understood by Lagarde?

She saw femicide under a broader lens, as all the violence that may affect women, even if it does not lead to death, as was understood instead by Russell's interpretation<sup>21</sup>. Hence, Lagarde included in her definition the so called *living dead*, women that after having experienced physical or psychological violence lose any interest in life<sup>22</sup>.

Moreover, she identified (given also the context in which she developed her researches, the Mexico of Ciudad Juarez, the border town that became worldwide famous, sadly enough, for its femicides), the notion of *institutional violence*, as that violence carried out by the State when it fails to meet its positive obligations in protecting its citizens, in this case the women. When a State denies the existence of the problem, often for a long time, therefore failing to activate all the mechanisms in its power to stop the occurrence of violence, by legislate, improving the justice system, the action of police, it becomes

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19 Spinelli, 2008, p. 38.

20 Spinelli, 2008, p. 31.

21 Spinelli, 2008, p.41.

22 Ibidem.

responsible for the violence itself. Thus the violence becomes institutionalised<sup>23</sup>.

Hence, the definition of femicide in Lagarde's view became: “*The extreme form of gender violence against women, deriving from the violation of her rights in the public and/or private sphere, characterized by various misogynistic behaviours (ill treatments, physical violence, psychological, sexual, educational, at the workplace, economical, of the property, domestic, of the community, institutional) that entail the impunity of the society or of the State and, by putting the women in the situation of being at risk and helpless, might end up in murder or attempted murder or in other forms of violent death of women and girls: fortuitous deaths, suicides or deaths that could be avoided if not being a consequence of insecurity, inattention and exclusion from development and democracy*”<sup>24</sup>.

Lagarde, by creating and preside over the *Special Commission on femicide*<sup>25</sup> in Mexico, has called attention precisely on how the Mexican State was responsible in the continuation of the femicides in the country, particularly in Ciudad Juarez, but not only. The researches conducted by the Commission highlighted as between 1999 and 2005 more than 6000 women had been killed in Mexico, and as in Ciudad Juarez 80% of the murders has not been reported to police, for lack of trust, proofs and other reasons. Particularly, the Commission discovered as in many cases the police was corrupted and colluded with the drug traffickers, clearly showing how the State did not fight the impunity but was instead part of it<sup>26</sup>.

The merit of Lagarde in Mexico has been to raise the *iron curtain* on what has been happening in the country on the women in the last 10-15 years, fighting the impunity and the chauvinist mentality so widespread in the country.

Later on, becoming a member of Parliament, she urged the promulgation of a law

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23 Spinelli, 2008, pp. 42-45.

24 Ibidem. Author's translation.

25 As Spinelli affirms, this Commission and all the studies, researches and mapping of femicides that had begun afterwards in other Latin American countries make South America the only region of the world where the *silent women's slaughter* has been recorded in its massive proportions. Spinelli, 2008, p.94.

26 Spinelli, 2008, pp. 97-99.

against violence on women<sup>27</sup>, that was passed in 2007.

Even though the law passed had some reservations on the definition of femicide, it did introduce the concepts of violence against women (and the different types of violence), women's rights, women's empowerment, misogyny.

The law envisaged also mechanisms to prevent the violence, monitor and eliminate it, as well as ways to protect the women<sup>28</sup>.

Lagarde's work in Mexico, which was the first in the region, gave a boost to many other countries in the region to begin studying the problem of femicide.

Costa Rica was the first country to pass a law against the *crime of femicide* in 2005<sup>29</sup>.

Enacting a law does not always mean that the phenomenon will be erased, but it is certainly important, as previously said, to acknowledge the problem and to see a willingness of the State in facing it.

As we shall see in the next chapter, the problem of femicide and violence on women, as understood in the definition of Lagarde, it is not only a problem of South America, but it is an endemic phenomenon present all over the world.

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<sup>27</sup> *Ley general de acceso de las mujeres a una vida libre de violencia*, 1 February 2007.

<sup>28</sup> Spinelli, 2008, pp. 137-138.

<sup>29</sup> Spinelli, 2008, p. 129. Femicide intended only as the murder of a woman by her partner/husband.

*Chapter 2-Domestic violence in the world. Theories, data, international instruments and debates currently ongoing to protect and empower the women.*

Although women are not the only victims of domestic violence, that sees also men, elderly and children included in the categories of individuals interested by this social problem, they constitute by far the largest group affected, especially for what concern physical violence<sup>30</sup>.

Among the various contexts where violence on women may take place, the domestic one is undoubtedly the one where it is most widespread within all the cultures of the world. It is also the place where the highest amount of victims is made, among women aged 16-44<sup>31</sup>, as we shall see shortly.

Besides having psychological and physical costs for the victims, domestic violence has also extremely high costs for the states. For instance, in United Kingdom (UK) alone, the social costs have been calculated up to 23 billion £, before the introduction in 2005 of the *Scotland Method* to combat domestic violence<sup>32</sup>.

The strongest majority of violence that women can experience within the domestic context is perpetrated by the partner or the ex-partner (as in the case of post-relational stalking) and thus takes the name of *intimate partner violence* (IPV), as outlined by the *World Health Organization* (WHO)<sup>33</sup>.

Women victims of IPV develop what has been defined by Lenore Walker as *battered wife syndrome* (BWS), that is, “*a combination of different psychological symptoms, usually transitory, that can be frequently observed, within a recognized and specific pattern, in women that affirm to have been physically, sexually and/or psychologically*

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30 Dias, 2004, p.71.

31 Hornby & Calloni, 2013, p. 179.

32 Hornby & Calloni, 2013, p.12.

33 WHO, *Global and Regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, June 2013, pp. 16-27.

*ill-treated by their male partners (and sometimes even female ones)*<sup>34</sup>.

Women victims of IPV with BWS find it very difficult to leave the relationship, because they remain entrapped in what has been defined by Martin Seligman as *learned helplessness*, that is, the systemic violence to which the women are subjected to diminish their reaction's capacity<sup>35</sup>. Among the consequences of the victimisation, therefore, it is possible to find low self-esteem, feeling guilty for the breakdown of the relationship as well as for the violence itself, that they perceive as inescapable<sup>36</sup>.

The reasons that lead a man to be violent with his female partner are manifold, but the main one generally recognised as being at the base of male violence is the patriarchal system upon which societies have been built throughout the course of history, which allowed a man to exercise his power on the woman<sup>37</sup>, which as we have seen in the previous chapter, is what leads to female's femicide, according to Russell and Lagarde.

I will further analyse patriarchy in relation to the situation in Italy.

What is then the situation of violence on women and IPV in the world?

In a report that has been released recently, the most comprehensive one in terms of regions of the world involved, the WHO highlights how 35.6% of women in the world have been subjected to some form of physical or sexual violence either by an intimate partner or by a non-partner<sup>38</sup>. Moreover, the report shows how the women that have been exposed to IPV are 30% of the total, with African, Eastern Mediterranean and South-East Asia as the region with the highest prevalence (37%). These, of course has extremely high health costs, with spread of HIV, induced abortion as well as other maternal health issues and depression with high risks of suicide, among others<sup>39</sup>.

Furthermore, the research calls attention to how worldwide the percentage of women victims of murder from a partner, the most extreme form of IPV, is 38%, with high risk

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34 Walker, L., as in Dias, 2004, p. 117. Author's translation.

35 Seligman, Martin, as in Dias, 2010, p. 255. Author's translation.

36 Ibidem.

37 Dias, 2004, p. 124.

38 Cfr. Supra footnote 33, pp. 16-27.

39 Ibidem.

of underestimation due to under reporting<sup>40</sup>.

The fact that, as affirmed by the WHO as well, the research interested only women above the age of 15 years old, leads to the hypothesis that the estimates would have been much higher if they would have included young girls as well.

A previous study from the WHO on 24.000 women, aged 15-49 years old from 10 different countries, shows how between 35% and 71% of women involved in the research had experienced physical or sexual assault by someone since the age of 15, the assailant being in the strongest majority of cases a current or former partner<sup>41</sup>.

The violence does not stop even during pregnancy, for those whom had ever been, with 1 to 28% of women being beaten while expecting in 90% of cases by the father of the unborn, in many cases leading to miscarriage and induced abortion<sup>42</sup>.

Among battered women, 55 to 95% of women did not report it to police or sought medical advice, which can be comprehended only with the following other data, 50% to 90% in around half of the sites actually accepting the violence as a correct form of control of the man<sup>43</sup>.

The study, carried out both in developing and developed countries, shows that violence in the latter is lower, but this may only be due to a higher facility for women to leave the relationship.

Another report from the *United Nations Entity for Gender Equality and the Empowerment of Women* (UN Women) gives us an idea of how violence on women is widespread, includes also developed countries and consists of a variety of harmful practices that always see its origins in an unbalanced relationship between men and women. According to the report, between 100 and 140 million women in the world have been subjected to *female genital mutilation/cutting* (FGM/C) and 60 millions girls worldwide are child brides, with a higher risk of presence of violence for these girls. The number of women that have been victims of rape, sexual harassment or that are

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40 Ibidem.

41 WHO, *Multi-country study on Women's health and domestic violence against women*, 2005, pp. 1282-1283.

42 Ibidem.

43 Ibidem.



victims of trafficking is extremely high, even in Europe and the United States (US), where the costs of domestic violence has been calculated as up to the astonishing amount of 5.8 billion \$<sup>44</sup>.

Even though the 2013 investigation had some limitations, the WHO concluded that violence on women is a “*public health problems of epidemic proportions*”<sup>45</sup>, because of the worldwide presence of violence, and calls for putting an end to it<sup>46</sup>.

It is therefore fair to define violence on women and the subsequent femicide still currently going on all over the world, with the words of Amartya Sen, Economics Nobel Prize: a *gender genocide (gendercide)*, which he set up in 1990 as to more than 100 million women missing in the world, particularly in South-East Asia, parts of Africa and Latin America, due to female babies killing, dowry killing and other practices<sup>47</sup>.

A previous article from *The Economist* had reported how, for women between 15 and 44 years old, the likelihood to end up being victims of domestic violence perpetrated by some man to whom they are acquainted is higher than being victim of malaria, cancer, war or traffic accidents all together.

Hence, this leads to have every 2 to 4 years the outrageous amount of victims of Hitler's Holocaust<sup>48</sup>.

What are then the measures that have been taken at international level to acknowledge these massive violations of women's rights as a violation of human rights and the means put into action to stop it?

First and foremost, the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW), adopted in 1979 by the UN GA after more than 30 years of

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44 UN Women, *Ending Violence against Women and Girls Programming Essentials*, January 2013.

45 WHO, 2013, pp. 35-36.

46 Ibidem.

47 The Economist, *Gendercide*, 4 March 2010, <http://www.economist.com/node/15606229>, (consulted on 11 June 2013).

48 The Economist, *No place for your daughters*, 24 November 2005, <http://www.economist.com/node/5220396>, (consulted on 11 June 2013).

work of the *Commission on the Status of women*, set up the first step forward in recognising women's rights<sup>49</sup>.

In particular, by acknowledging the violations of women's rights still ongoing, the discrimination and therefore the need to realize the equality between men and women and, most importantly, “*Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields*”<sup>50</sup>, the CEDAW underlines a precise responsibility of the State to enact measures to effectively reach this goal in all fields. Furthermore, the *Committee on the Elimination of Discrimination against women* of the CEDAW, that monitors the implementation and respect of the Convention, 10 years later, with its Recommendation n. 12, requires the States parties to the Convention to report on the measures enforced to protect the women from violence and to eradicate it<sup>51</sup>. Further on, with the 1992 General Recommendation n. 19, the Committee stated that gender-based violence is a form of discrimination on women and thus the States parties to the Convention must prevent it from happening as well as it solicit them to report on the measures taken in order for this violence to stop<sup>52</sup>.

In 1999, an Optional Protocol (OP) to the CEDAW has been approved establishing the possibility for people to denounce violations of the Convention to the Committee. Unfortunately, as it often occurs, the Protocol contains an opting out clause which some States have used to deny the Committee from investigating, as well as some States have not ratified the OP itself.

The latter, as well as the reservations of many states on Art. 2 (Policy measures) and 16 (Marriage and Family Life) of the Convention, although being incompatible with the object of the CEDAW itself, weaken considerably the power of the Convention, thus making it basically impossible for the Committee to effectively redress violations of women's rights<sup>53</sup>.

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49 Spinelli, 2008, p. 142.

50 Preamble of the CEDAW, 18 December 1979.

51 CEDAW General Recommendation n 12, 8<sup>th</sup> Session, 1989.

52 CEDAW General Recommendation n. 19, 11<sup>th</sup> Session, 1992.

53 Spinelli, 2008, pp. 146-147.

At the European level, the *Council of Europe (COE)'s Convention on Preventing and Combating violence against women and domestic violence*, also known as *Istanbul Convention*, approved in 2011 and currently open for signatures and ratifications, is the first international instrument legally binding to be thoroughly dedicated to violence on women in all its forms.

The Istanbul Convention encompasses the responsibility of the States in changing gender-biased laws, in allocating financial resources in order to put into action effective measures to contrast the phenomenon and aims to a future for Europe free from violence on women.

The merits of the Convention are to further specify the violations of women's rights by giving the definitions of violence against women, domestic violence and gender-based violence, by listing in various articles the different forms of violence, such as forced marriages, sexual harassment, psychological, physical and sexual violence (with definition of rape and consent as well), stalking, FGM, forced abortion and forced sterilization<sup>54</sup>, as well as re-affirming the idea of the need to gain equality between men and women in order to eliminate the violence thoroughly.

It envisages also an introduction of provisions that aim at combating the gender-biased stereotypes, the culture (such as the concept of “honour”) or traditions that are degrading for the women throughout education, training of professionals, treatment of the offenders, sanctions and restrictions of liberty of the offender, awareness-raising campaigns, as well as requiring that the media become more mindful on the language they use in order to avoid the perpetuation of the stereotypes about women<sup>55</sup>.

This Convention is a landmark in the fight against violence on women and domestic violence, although to see if it will be effective and will achieve the dream of zero violence on women in Europe, we still have to wait. In fact, out of the 10 signatories necessary for the Convention to enter into force (8 of which must be CoE's Members), only 5 countries have already signed and ratified the Convention<sup>56</sup>(Albania,

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54 Art. 32-40, *Council of Europe's Convention on Preventing and Combating violence against women and domestic violence*, also known as Istanbul Convention, 11 May 2011, Istanbul, Turkey.

55 Ibidem.

56 Il Fatto Quotidiano, 30 May 2013, <http://www.ilfattoquotidiano.it/2013/05/30/violenza-contro-le->

Montenegro, Portugal, Turkey and Italy, where the ratification was approved unanimously on 28 May 2013 in the Chamber of Deputies<sup>57</sup> and in the Senate on 19 June 2013<sup>58</sup>).

Italy, upon signing the Convention on 27 September 2012, has declared that it will applied it “*in accordance with the principles and regulations included in the Italian Constitution*”<sup>59</sup>. Indeed, besides problems related to the budget necessary to implement the Convention, that have been put forward before the ratification<sup>60</sup>, some Members of Parliament (MPs) have declared reservations in the definitions of gender and therefore gender-based violence (Art. 3) and on the non- discrimination (especially in the redress and protection of the victim) on the basis of sexual orientation, gender and marital status (Art. 4)<sup>61</sup>, which in turn shows that probably, even if it has been approved, the cultural climate it is still not thoroughly mature to guarantee an adequate implementation of the Convention, a consideration confirmed also by the fact that during the discussion at the Chamber of Deputies, the day before the ratification, the room was barely empty<sup>62</sup>.

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[donne-i-passi-per-ratificare-la-convenzione-di-istanbul/610529/](#), (consulted on 12 June 2013).

57 La Repubblica, 28 May 2013,

[http://www.repubblica.it/politica/2013/05/28/news/femminicidio\\_istanbul\\_approvata-59849639/?ref=HREA-1](http://www.repubblica.it/politica/2013/05/28/news/femminicidio_istanbul_approvata-59849639/?ref=HREA-1), (consulted on 12 June 2013) and by COE's press release the day after.

58 Il Fatto Quotidiano, 19 June 2013, <http://www.ilfattoquotidiano.it/2013/06/19/violenza-sulle-donne-con-si-del-senato-convenzione-di-istanbul-e-legge/630733/>, (consulted on 27 June 2013).

59 Il Manifesto, 31 May 2013, <http://blog.ilmanifesto.it/antiviolenza/2013/05/31/litalia-tra-convenzione-di-istanbul-e-raccomandazioni-cedaw-ma-siamo-sicuri-che-questo-governo-riuscira-a-contrastare-davvero-il-femminicidio/> (consulted on 27 June 2013).

60 Il Fatto Quotidiano, 28 May 2013, <http://www.ilfattoquotidiano.it/2013/05/28/violenza-sulle-donne-si-della-camera-a-ratifica-convenzione-di-istanbul/608793/>, (consulted on 12 June 2013).

61 Osservatorio Giuridico Legislativo, 19, 5, May 2013, pp. 1-2.

62 Adnkronos, 27 May 2013, available at [http://www.adnkronos.com/IGN/News/Politica/Violenza-sulle-donne-emiciclo-deserto-Scontro-tra-Carfagna-e-deputata-M5S\\_32233681171.html](http://www.adnkronos.com/IGN/News/Politica/Violenza-sulle-donne-emiciclo-deserto-Scontro-tra-Carfagna-e-deputata-M5S_32233681171.html), (consulted on 27 June 2013).

### *Chapter 3-Domestic violence on women in Italy*

Italy is stereotypically worldwide famous for its cuisine, good weather, arts and crafts and *Made in Italy*. It is also known for being a chauvinist country, where all men are *Latin lovers*. This stereotype wants Italian men to be strong, passionate, in one word a dominant macho, son of the patriarchal culture predominant in the Latin world and in many others as well. Of course this, like all stereotypes, generalises a part to the whole of the population, and thus I consider it wrong as of embracing the whole of the Italian population, as it is not the case indeed.

Notwithstanding this, the focus of my analysis on the country regarding the situation of domestic violence and stalking that eventually can lead to femicide, will focus on the unbalanced relations between men and women, deriving from the patriarchal culture, that are still part of the Italian society.

As it is very well known to any person born in a country where this type of culture rules, but refuse to accept it or being part of it, patriarchy wants men and women being embedded in social roles that they don't choose, but are given, passed to them through the family environment in which they grow and the education they receive in school. According to these roles, perceived to be natural and not cultural as they are, the man, the strong dominant part, has to rule on the woman, the weak part, whom is meant to have the role of a prey for her predator<sup>63</sup>.

This hunter-prey game, taken for granted as being natural and therefore not changeable, unconsciously assumed by men and women, plays on a very precise scheme that they both have to follow: the man chases his prey, the woman, to whom it has been taught, since she was little, how to be desirable and how to provoke the sexual desire in the man through a very complex series of behaviours.

Hence, for these women their own self esteem pass through the appreciation of the man, therefore being totally dependent by them<sup>64</sup>. This scheme contains an unbalanced

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63 Murgia & Lipperini, 2013, p. XI.

64 Murgia & Lipperini, 2013, pp. 27-31.

dynamic of power, where the man-hunter takes control over the woman-pray.

The very statement “*what can you do, man is a hunter!*”, a way of saying common in Italian spoken language, is used to justify the man insistence in the courtship, the attitude to be unfaithful and the frustration when the prey refuse to play her part<sup>65</sup>.

The real problem here is the inability for these men, grown up with these stereotyped roles, to step forward from them and imagine a new way to relate themselves with women out of the model of chasing-fleeing.

Thus, when they meet a woman that do not fall into that type of relational game, they are incapable to engage in an equal relationship with her. As a consequence, they overreact and start a way to restore their control over it, usually by insulting, actively harassing her and in some cases being sexually violent<sup>66</sup>.

This concept of possession, the *mine or no one else*, has been described by Lipperini and Murgia as the product of the isolation of the self we experience nowadays, where social relations are weaker and the self wander alone.

Within this view, it becomes central what “*I am, I want, I demand*” because we rely only on our self, and therefore we cannot allow to be destroyed by someone's choices, which in men's case become *mine or no one else*<sup>67</sup>.

Within a love relationship, this happens precisely when the woman decides not to play anymore the role of the prey, when she decides to leave a man that was using his violent power on her as a way of controlling her, because according to him she is “his property”. When a woman realise that this paradigm is wrong and break the relationship, the man, who will not accept the end of the relationship because he cannot accept to lose the control on it as it is the very essence of his “being man”, can start what is generally acknowledged as *stalking*, that in its extreme consequences can lead to the death of the woman.

Without realizing it, by uttering the *man is hunter* way of saying, we are justifying the association between seduction and death<sup>68</sup>, because the hunter kills his prey in nature

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65 Ibidem.

66 Murgia & Lipperini, 2013, p. 32.

67 Murgia & Lipperini, 2013, xiv.

68 Murgia & Lipperini, 2013, p. 27.

and as we will see, the same happens also for men and women trapped into the hunter-prey paradigm.

This idea has been widely enhanced during the 20 years of Berlusconi presence in the Italian politics. His various governments' policies and ownership of televisions watched by a vast amount of population, contributed to reinforce the stereotypes already present and to degrade the image and perception of the woman in the Italian society, as it has been affirmed by Rossella Zcardo in her 2009 documentary “*The women's bodies*”<sup>69</sup>. One example of a biased stereotype Berlusconi's 2008 government helped to reinforce is the racist campaign against Roma and foreigners' rape and the need for Italian women to be protected from this. With his famous sentence<sup>70</sup>, pronounced after having sent 30.000 soldiers to Italian streets meant to “protect women”, he clearly portrayed women as being vulnerable and in need of protection by their national men, against the “foreigners”, ignoring or pretending to ignore the reality, that is, the strongest majority of sexual violence takes place in a domestic context by men known to the women.

It follows that women, with their feminine attitude, would be the cause of provocation of rape, understood as physical – sexual desire and not as an act of power, as it is generally recognized<sup>71</sup>.

In order to gain the protection of the Italians therefore the women have to be sexually attractive, which is an understanding that holds them kept under the spectre of the patriarchy, which many times fail to protect them and only imprison them, as said above it is the case of domestic violence.

These stereotypes survive notwithstanding the Italian law, although in very recent years, has been trying to fight this culture: in 1996, changing the definition of rape from being *crime against the patrimony* to being *crime against a person*<sup>72</sup>, therefore allowing the woman to be legally existing outside the home and previously in 1981, erasing from the penal code the crime of *honour killing*, which allowed a man to kill a woman (sister,

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69 Zcardo, Lorella, et al., *Il corpo delle donne*, 2009, available on line in English on [http://www.ilcorporodelledonne.net/?page\\_id=91](http://www.ilcorporodelledonne.net/?page_id=91), (consulted on 13 June 2013).

70 Rapes would continue to occur unless there will be “as many soldiers as beautiful girls”.

71 Woodcock, 2010, p. 483.

72 Woodcock, 2010, p. 482.

wife or daughter) if she had committed an act of betrayal or had an illegitimate relationship. The latter was allowed because of the rage derived from the dishonour caused to the family's name<sup>73</sup>.

These premises may help us to understand better the phenomenon of stalking as a continuation of a history of domestic violence, when a woman has interrupted or attempted to interrupt the relationship where she was victimised and that might sometimes end up to be lethal for her.

First of all, how vast is the phenomenon of domestic violence and femicides that might occur after an escalation of the violence in Italy?

The main problem when trying to have a clear idea of this reality, so often under reported by the victims themselves because of fear of retaliation from the partner/ex-partner, lack of knowledge on how to seek help, mistrust of police or fear of not being believed, it's precisely the lack of data.

In Italy there has been until now a precise responsibility of the State in having failed to comply with its positive obligations to protect women, included in the CEDAW of which Italy is a State Party (and tantamount, or even stronger, are the obligations now that the Istanbul Convention has been ratified<sup>74</sup>), such as in being active on collecting data to know what is the exact situation in the country, creating shelter to protect the women that escape a history of violence, enacting laws that protect women (such as the one on domestic violence), assuring that the bodies that have the responsibility to contrast the problem, such as the police, work properly and help to fight the patriarchal culture that sees women as inferior.

Some grass root organizations, newly created on the emotional wave of some femicides that have been reported on the news, want to sue the Italian Government for its failure in accomplishing with its positive obligation of protecting women and even open a court of inquiry at the Parliament<sup>75</sup>.

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73 Murgia & Lipperini, 2013, p. 22.

74 Although, as we have seen, the political climate might not be ready to implement the directives of the Convention and integrate them within the Italian legislative system.

75 Il Fatto Quotidiano, 7 May 2013, <http://www.ilfattoquotidiano.it/2013/05/07/femminicidio-chiediamo->



We shall see shortly why.

As said above, one of the dearths of the Italian State is the lack of investigation on the phenomenon of gender-based violence. In fact, in this regard, it is important to underline how the *National Institute of Statistics* (ISTAT) has carried out only one research on gender-based violence, in 2006<sup>76</sup>.

From then on, we don't have other researches that can show the evolution of the phenomenon, even though the issue of violence on women that can lead to death-femicide has been on the news so far as if there has been an escalation and the above mentioned research highlighted a reality where violence is very much present.

Indeed, according to the ISTAT data available, in Italy, almost 7 million Italian women between the age of 16 and 70 years old have been victims of physical or sexual violence at least once in their lives<sup>77</sup>. Relevant is also the data that more than 1million girls have been suffering violence before the age of 16 years old<sup>78</sup>, which brings forward a failure of the protection of minors as well.

In the last 12 months prior to the investigation, 1.150.000 women were victims of violence, with young girls between 16 and 24 years old as the most targeted age group (16,3%)<sup>79</sup>.

Moreover, it is important to underline, for the scope of this research, as previously mentioned, that in Italy intimate partners are responsible for the highest amount of physical violence, as well as rapes and undesired sexual intercourse (but accepted because of fear of consequences), with 69,7% of rapes by a partner against 17,4% from an acquaintance, whereas only 6.2% is by an unknown person.<sup>80</sup>

Nearly 3 million women, as of 2006, were therefore found to be entrapped into

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[commissione-dinchiesta-su-responsabilita-dello-stato/586267/](#), (consulted on 13 June 2013).

<sup>76</sup> Istituto Nazionale di Statistica (ISTAT), “*La violenza e I maltrattamenti contro le donne dentro e fuori la famiglia*”, conducted in 2006, released on 21 February 2007, pp. 43.

<sup>77</sup> ISTAT, 2007, pp. 1-3.

<sup>78</sup> Ibidem.

<sup>79</sup> Ibidem.

<sup>80</sup> Ibidem.

domestic violence perpetrated by the partner or the ex-partner.

However, also unknown people, as well as friends, acquaintances, relatives, colleagues have been found to be responsible for a large amount of violence on women, given that 79.5% of women have experienced sexual harassment.

ISTAT underlined also as intimate partners are the ones more likely to have stalking behaviours towards the women when the relationship is ending or afterwards, for which the women interviewed declared were quite frightened.

Indeed, an estimate of more than 2 million Italian women have experienced stalking during their lifetime; among these, almost 50% had a history of domestic violence during the relationship<sup>81</sup>.

An estimate of 7 million women are also victims of psychological violence, with the partner establishing controlling behaviours (40.7%), attempts to isolate the woman (46.7%), as well as economical violence in 30% of the cases.

Furthermore, the research call attention to the fact that almost all the women<sup>82</sup> that are subjected to domestic violence don't report it to the police, a problem that as we have seen is very common because of the psychological pain involved when a person is victimised. Another reason is probably the lack of awareness among Italian women on what is considered violence, what can be acceptable in a relationship and what not, ultimately their own rights as human being.

Indeed, even with 34,5% of the women interviewed declaring that the violence they were subjected to was really serious and the 29,7% declaring it was quite serious, only 18.2% considered the domestic violence they were victim of as a crime, 44% thinks is something wrong and for 36% is just something that has happened<sup>83</sup>.

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81 Cfr supra, footnote 77, p. 3.

82 96% for violence from a non-partner and 93% for violence from a partner; 91,6% for rapes and 94,2% for attempted rapes.

83 Cfr supra, footnote 77, p. 3.

If we consider that only 7.3% of domestic violence was reported and 53% of girls that experience the violence below the age of 16 years old by a person very well known to her did not talk to anyone about it, it means that a culture of silence is still widely accepted and believed to be the only solution.

These data and correlated information clearly shows that still a lot has to be done to fight the reality of domestic violence in the country, in order to have a precise and accurate knowledge of the phenomenon, because, as ISTAT itself clarifies, some data may not be thorough, given the cultural reticence in speaking out as victims of violence.

A logical continuation would be now to show the data on femicide in its narrower sense, on how many of the women subjected to violence end up being killed by their partner and ex-partner/stalker, because only by knowing the proportion of the phenomenon precisely we can start to tackle it.

Unfortunately, there are no official statistics that investigate femicide as the result of domestic violence or stalking, which brings us back to the first point of critique to the Italian Government.

The only other data available from ISTAT after 2007 is another report from the same Institute that tells us that the homicides of women have been stable<sup>84</sup> in the country between 1992 and 2009, the time range of the research, whereas murders of men have decreased (due to a reduction of the mafia killings)<sup>85</sup>.

Nevertheless, it is paramount for me to stress that in 2010, 44.9% of all the killings of women have been done by the hands of their partner<sup>86</sup>, which confirms the trends of domestic violence shown in the first investigation.

Another data available on femicide is a non-scientific research carried out by *Casa delle donne per non subire violenza*<sup>87</sup> of Bologna, a shelter for women victims of violence that in the last years has collected data regarding femicide in Italy based on newspaper

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84 This is due to the fact that women are killed for the most part within the family, thus the rate remains stable, whereas the homicides of men are correlated mostly to criminality and therefore are unstable.

85 ISTAT, *Rapporto sulla sicurezza dei cittadini*, data relative to the period 2008-2009, published in 2011, p. 152.

86 Ibidem.

87 Women's house to not be subjected to violence.

articles, which as they themselves admit it is not a reliable method because the media do not report all cases happening in the country, therefore their numbers might be an underestimation<sup>88</sup>. Even so, they recorded that *124 femicides* and 47 attempted femicides have happened in Italy in 2012, which would mean one every three days, finding also that 60% were perpetrated by someone well known to the victim, during or after an intimate relationship, and 40% had a history of domestic violence, thus following the pattern highlighted by ISTAT<sup>89</sup>.

These data show anyway as, although extremely difficult, it is necessary to find a way to stop the violence early when it manifests, because too often the signs for a potential femicide were already there before it happened and nobody, neither the institutions nor sometimes the people close to the woman, paid attention to them.

The journalist Riccardo Iacona, in a reportage on femicides in Italy, has brought attention to this fundamental aspect of violence on women and femicides in a straightforward manner, emphasising how, when women report to police their partner or ex-partner for stalking or ill-treatments, the denunciations arrive too slowly to the judge, sometimes even after the woman has already been killed<sup>90</sup>.

Another responsibility of the State, as said above, is to assure an active protection of the women. As reported in the CoE's Task force recommendations, in Italy, based on the amount of women population, approximately 6.019 places in shelters for women victims of violence are needed in Italy.

Currently, according to the *Women Against Violence Europe (WAVE)*<sup>91</sup> annual report on the country, there are just around 500, therefore Italy fails to meet CoE's requirements.

Furthermore, even the few shelters and anti-violence centres available struggle continuously against the risk of closing due to budget cuts deriving from state's lack of fundings, thus increasing the amount of women that are endangered.

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88 Casa delle donne per non subire violenza “*Femicidi in Italia: I dati raccolti sulla stampa relativi al 2012*”, Bologna, Italia, published on 8 March 2013, p.3.

89 Ibidem.

90 Riccardo Iacona, *Presa Diretta*, “*Strage di donne*”, 24 February 2013, available at <http://www.presadiretta.rai.it/dl/portali/site/puntata/ContentItem-87cf8dde-2333-41e1-b497-f6b2c15c6305.html>, (consulted on 7 July 2013).

91 WAVE, *2012 annual report*, p.148.

What about the promptness and efficacy of the police in responding to the phenomenon?

According to the 2010 *Home office report on criminality and safety*<sup>92</sup>, 42.6% of women interviewed on what the police have done after they reported the violence declared that the police accepted the denunciation. A 26.9% of the interviewees affirmed that they rebuked the perpetrator, and 36.5% of women declared they did nothing.

A further 27.9% affirmed that the aggressor was imputed, whereas nearly 70% declares that no charges were produced. Generally speaking, 51.4% of women is not satisfied with the work of the police, 32.5% of which would have liked more seriousness by the police when reporting the facts, against a 45% that admits it is satisfied.

Therefore, still a lot of work has to be done in order to guarantee the women's effective protection against domestic violence by the police, throughout an improvement of the quality of the training towards a gender friendly one, which in turn would enable the police to acknowledge the danger of an escalation of violence, to which the women might be subjected.

Regarding still the responsibility of the State of enacting laws and ensuring a correct and effective implementation of them, for instance by holding the perpetrator accountable for what he has committed, the above cited report from WAVE highlights that in the application of the law, the penalties for sexual violence are very often reduced, thus contributing to spread a sense of impunity for who commits this crime<sup>93</sup>.

Notwithstanding the lack of more up to date data and some malfunctioning in the system of protection of the women, it is possible to conclude that the femicide rate in the country seems to be stable and, as reported by the *UN homicides statistics*<sup>94</sup>, it is actually one of the lowest in Europe, with 0.5 per 100.000 women killed, against 0.8 of UK or 1.0 of Portugal, the other country I will analyse in my research.

This, though, does not mean that the problem of violence on women and femicide does

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92 Ministero dell'Interno, *Rapporto sulla criminalità e sicurezza in Italia*, 2010, p.152.

93 Cfr. Supra footnote 91, p. 148.

94 UN office on drugs and crime (UN ODC), *Homicides statistics by sex*, available at <http://www.unodc.org/unodc/en/data-and-analysis/homicide.html>, (consulted on 19 June 2013).

not exists or that it did not at least slightly increased in these last years for which we do not have data available, but it means instead that the situation is endemic and we need to ultimately face it and contrast it effectively, without avoiding it or calling for emergency (uselessly) by at the same time helping to reinforce wrong stereotypes, as we will see it is what the media do in Italy.

It is precisely because we need to face the truth and deal with this awful social problem, whatever its proportions, that I reckon the debates there are in Italy on the use or not of the term femicide are useless.

Many feminists in Italy have denied the use of the term because they perceive it as a trap for the women, transforming them solely in deceived and defeated victims.

Spinelli's counterpoint underlines the need to talk about it in order to erase the burden of the code of silence. In her view, acknowledge and denounce femicide, would be bringing attention also to the crimes that *prima facie* are not seen as such<sup>95</sup>.

My position is in between these two. I agree with Spinelli, as already stated in the first chapter, that we need to name things and saying them out loud in order to know they exist.

Notwithstanding this, for the sake of truth and evidence, it is undeniable that by talking about women's femicides, the latter are uphold the role of victims.

However, the fact itself of talking about it, the possibility that we now have to talk about it, as a society, men and women, let us hope for a future where women will not be victims anymore.

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95 Spinelli, 2008, p.161.

## *Chapter 4-Role of the media in perpetrating a wrong culture in Italy*

The mass media, as it often happens in Italy, talk about a femicide “emergency” in the country, making people believe that the number of women killed is rising and creating panic in the society, as well as they foster polemics about whether or not we should even talk about femicide, whether or not we need a name for it.

Some others commentators give voice to the opposite idea of many, that women have always been killed as well as men, it is not an emergency, it has always happened.

Both of these two main voices forget about the main point of the matter: femicide as an endemic issue, something embedded into the society because of the cultural rules that govern it, therefore neither an emergency nor something that does not exist.

The belief that the woman provokes and therefore is partly the cause of her own killing or rape, thus justifying the “natural” violence of the man, is at the basis of the bias that can be found in the Italian media when reporting cases of femicide.

This bias gives the wrong idea that the reason behind violence on women is the “*love of sick men or the sickness of men in love*”<sup>96</sup> and not a wrong idea of the woman as being inferior and less important of the man, therefore allowing her possession and the violence itself. By writing titles like “*for a jealousy fit of madness, kills the wife*”, “*stressed and depressed because he was jobless, strangle his wife in front of the children*” to describe episodes of violence or murders on females, the journalists, probably unconsciously, clear the guiltiness of the killer and forget about the victim thoroughly<sup>97</sup>.

Affirming that it was only a sickness, sometimes only a temporary one, avoids and deny the core of the problem, the cultural reason for violence and the issue of redefining the relationship between men and women and it is used as a mitigating circumstance by

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96 Murgia & Lipperini, 2013, p. 4. Author's translation.

97 Murgia & Lipperini, 2013, p.10.

lawyers to appeal for a reduced conviction<sup>98</sup>.

This is the product of a mentality, still very present in Italy that, if from one side condemns violence on women, on the other side it is truly convinced that women are the cause of this violence, by provoking the man and making him lose his self-control, therefore deserving the violence<sup>99</sup>.

One example of this was the letter of a priest exposed outside of his church in Lerici, in the western region of Liguria, on Christmas 2012, with the title: “*Women and femicide. They should be self-critical. How many times do they provoke?*”, where the priest stated: “*the fault of the femicide is mainly of the women which provoke it with their tight clothes*” and also: “*they deserve this because they are distancing themselves from the family*”<sup>100</sup>. The letter fuelled a huge stream of polemic and the priest decided to leave his office for a while, but the idea beneath it remains.

Other examples of how the media contribute in reinforcing wrong stereotypes came on the news recently in Italy: the first being the awful murder of a 16 years-old girl in the southern region of Calabria by her soon -to- be ex- boyfriend, the second one the death of the famous theatre actress and civil and political rights activist Franca Rame, whom with her husband Dario Fo, 1997 Nobel prize for literature, formed one of the most long-lasting couples of the Italian contemporary cultural panorama.

The first case, where the girl, Fabiana Luzzi, was stabbed and then burnt still alive by a peer, her boyfriend, whom she was trying to leave, for “jealousy”, stirred what Fabio Sabatini on the newspaper *Il Fatto Quotidiano* called “*the unbearable rhetoric of grief and shock*”<sup>101</sup>, that is, newspapers' articles describing the village as being shocked by what happened, like if it was completely unexpected and beyond imagination.

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98 Ibidem.

99 Murgia & Lipperini, 2013, p. 33.

100 Corriere della Sera, 25 December 2012,

[http://www.corriere.it/cronache/12\\_dicembre\\_25/femminicidio-lerici-colpa-provocazioni\\_b70d4dd0-4ee0-11e2-be01-3194f599ff4a.shtml](http://www.corriere.it/cronache/12_dicembre_25/femminicidio-lerici-colpa-provocazioni_b70d4dd0-4ee0-11e2-be01-3194f599ff4a.shtml), (consulted on 29 May 2013). Author's translation.

La Repubblica, 25 December 2012,

[http://genova.repubblica.it/cronaca/2012/12/24/news/il\\_sacerdote\\_scrive\\_ai\\_fedeli\\_femminicidio\\_colpa\\_delle\\_donne-49410366/](http://genova.repubblica.it/cronaca/2012/12/24/news/il_sacerdote_scrive_ai_fedeli_femminicidio_colpa_delle_donne-49410366/), (consulted on 29 May 2013).

101 Il Fatto Quotidiano, 28 May 2013, <http://www.ilfattoquotidiano.it/2013/05/28/femminicidio-linsopportabile-retorica-del-lutto-e-dello-shock/608474/>, (consulted on 3 June 2013). Author's translation.



It was not, because everybody, including the family of the victim, knew the boyfriend was violent, everybody knew he had already broke her the nose sometime in the past (she had reported it to police but soon afterwards withdrew the complaint).

Everybody knew it but did nothing and again a motivation is found, to protect the killer and forget the victim: *“the boy was stressed because his mother cheats on his father and everybody here knows that”*<sup>102</sup>, again justifying and putting the responsibility on a woman, highlighting again the concept of honour and shame because a woman is cheating on her husband<sup>103</sup>. Fabiana was his property, she was an object for him, and this is still accepted by the people, even though now everybody condemns what happened. Probably these people, the society around Fabiana, were making her believe that she had to endure that violence, because at the end *“that's the way it is”*.

Similar message, in a different situation, is what happened, still on the media, in this case on TV, after the death of Franca Rame.

By reporting the news of her death on one of the channel of the public television, remembering who she was and what she did in life, the newscast TG2 affirmed: *“She was a beautiful woman. Some people were defining her as a talented actress that knew how to put into play her theatre career for all- absorbing political reasons; someone else saw her as a red pasionaria*<sup>104</sup> *that was using her beauty to attract attention, until she was abducted and raped on 9 March 1973. It took 25 years to find out the names of the people who attacked her, but the facts were by then statute barred”*<sup>105</sup>.

Thus, according to the public TV's newscast the reason why she was raped was her beauty which again confirms the wrong idea that it was the woman with her beauty to provoke the violence. This, besides being wrong in itself, it is a lie in the case of Franca Rame, given that she was raped by fascists because she was a communist and she was

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102 La Stampa, 27 May 2013, <http://www.lastampa.it/2013/05/27/italia/cronache/fabiana-in-paese-tutti-sapevano-nessuno-lha-salvata-hDA5fLYHwMVJWxO1ZHAAK/pagina.html>, (consulted on 3 June 2013).

103 Ibidem.

104 A Spanish word to indicate someone who's fierce and indomitable in his/her own beliefs.

105 Un altro genere di comunicazione, 29 May 2013,

<http://comunicazionedi genere.wordpress.com/2013/05/29/franca-rame-la-bellezza-e-lo-stupro-ma-il-tg2-omette-i-mandanti-fascisti/>, (consulted on 3 June 2013). Author's translation.

speaking out loud to denounce some political injustices that were taking place at that time. The newscast therefore even omitted the historical truth behind it, which led to protests by different sides and to her son repeating the truth the day after at the funeral. The erroneous representation of women that somehow even justifies the use of violence on them is not conveyed only through the use of an ill-advised verbal language in newspapers' articles.

The most powerful means where distorted and stereotyped ideas are promoted and passed on to people are TV and advertisements.

Since at least 2009, thanks to the already cited documentary *Il corpo delle donne*<sup>106</sup>, which denounced the excess of commercialisation, obsession for beautification and degrading representation of the female body on the Italian TV, there have been discussions in the country about the use of the latter in advertisements.

I remember that in 2010, when I participated to the European exchange "*Zapping the inequality; influence of Mass Media on gender Inequality*"<sup>107</sup>, although even in the other participating countries the situation was not perfect, everybody remained profoundly impressed by Zanardo's work, probably due to the impact the images had on people not used to see them everyday.

This is the main point of the matter: in Italy, people have come to consider normal and acceptable what it is not. The model that has been proposed on TV and advertisements in the last 20 years, which enforces the stereotypes and shows the woman as an object or less than it, has irremediably altered the perception of the people and the beliefs of the new generations grown up with it.

It has strengthened the assumption that the patriarchal roles are the only ones feasible and perhaps increased the level of violence that a man feels entitled to exercise on the woman, because the cultural climate in which he grew up has taught to him that.

A culture of disrespect.

The reactions of some part of the press and blogs to the announcement of some MPs of

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106 Cfr. Supra footnote 69.

107 Inter-cultural exchange of the European Union Programme Youth in Action; held in Isparta, Turkey, 13 September 2010-22 September 2010.

a law to contrast women's discrimination in the advertisements and media say a lot of how difficult might be to legislate and working towards the achievement of gender equality in Italy.

Even though I agree with the words of Mauro Barberis, “*being a Western state, we cannot legislate on women's bodies*”<sup>108</sup>, I do believe that it is of the uttermost importance, if we really want to stop violence on women in all its forms, to change their representation on the mass media and advertisements.

The latter is possible only by releasing a regulation including guidelines and code of conducts for people working within the mass media and the press.

We are bound to this also due to the recent ratification of the CoE Istanbul Convention, which, as we have seen previously, requires States to ensure a non-discriminating representation of women in society, therefore also on the media.

It is not censorship or going back to the Middle Age, as some are affirming, is working toward a more equal and just society.

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108 Barberis, Mauro, Il Fatto Quotidiano, 6 July 2013 <http://www.ilfattoquotidiano.it/2013/07/06/giurmani-dal-corpo-delle-donne/648052/>, (consulted on 6 July 2013).

## *Chapter 5-Stalking as a continuum of domestic violence and Stalking law in Italy: weaknesses and strengths*

I will now concentrate on the main issue my thesis focus upon, stalking behaviours initiated by an ex-partner, stemming from a history of domestic violence, that may sometimes lead to the stalker/ex-partner killing his “prey”.

Cupach and Spitzberg, in their attempt to gather all the researches that have been conducting upon stalking, start by explaining the psychological behaviours behind relationships and how these can turn into stalking. In all relationships in fact, men and women have to balance between their need for independence and the need to connect with others<sup>109</sup>. When one of the two insists in pursuing a contact that the other refuses to him/her, then the relationship between the two becomes dysfunctional<sup>110</sup>.

They therefore define this type of sentimental situation as *obsessive relational intrusion (ORI)*, thus being in their own words “*the repeated pursuit of intimacy with someone who does not want such attentions*”<sup>111</sup> and furthermore *stalking* as “*a situation in which one individual imposes on another unwanted and fear-inducing intrusions in the form of communications or approaches*”<sup>112</sup>.

The difference among the two lasts precisely within the fact that ORI can be perceived as annoying by the object of the pursuit, but not as threatening and frightening, which is what characterises stalking<sup>113</sup>. Thus stalking derives from ORI, being therefore a most extreme form of it.

What is the psychological reason why somebody gets to the point of stalking someone else? Besides risks factors such as drugs and alcohol abuse found to be very much present among stalkers population, the psychological trait that has been found behind most stalkers is an attachment disorder, deriving from a history of neglected affection by

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109 By far stalking deriving by this need to connect is the most common, according to the authors, even though other types of scope do exist for stalking behaviours.

110 Cupach & Spitzberg, 2004, ix, Preface.

111 Cupach & Spitzberg, 2004, p. 3.

112 Defined by Mullen, Pathé & Purcell, Ibidem.

113 Cupach & Spitzberg, 2004, p. 13.

parents and peers as a child (sometimes connected to trauma or abuses)<sup>114</sup>.

This denial of attention during childhood develops in the adult an insecure attachment style, that will be used by the subject to build his relationships.

The consequence is a high likelihood of becoming obsessed with intimacy, anxious to create connections with other people, with no trust of gaining satisfaction by them<sup>115</sup>.

Furthermore, the authors suggest that, given that an individual's goals are organized hierarchically, in the stalker the higher goals, such as accomplish happiness and self – worth, are narrowly tight to the achievement of the lower ones.

It follows that, for the stalkers, the attainment of the reciprocation of the love by their object of pursuit becomes of tantamount importance for their own well being, eventually making them unable to quit<sup>116</sup>.

Hence, if the stalker fails to comply with the achievement of his higher goals, he remains embedded into a process called *ruminatio*n, where the feeling of frustration and the continuous come back of negative and intrusive thoughts dominate the subject and cannot be suppressed, fostering a flow of emotions ranging from anger and guilt to shame and sadness<sup>117</sup>.

The two authors thus propose four different types of stalkers, that include the various forms and pathologies that can be found: erotomaniac, borderline erotomaniac, obsessional acquaintance and obsessional estranged lovers<sup>118</sup>.

The first type delusionally believe that his object of love reciprocate his feelings, being therefore often schizophrenics or psychotics. The second type are stalkers likely to be strangers to the victim with attachment disorders but not delusional about her love.

The third type is an acquaintance such as a friend or a colleague whom start to be fixate about someone, whereas the fourth type, the one focus of this analysis, is the stalker that becomes obsessed with the ex- partner with whom he had a previous intimate

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114 Cupach & Spitzberg, 2004, pp. 64-66.

115 Ibidem.

116 Cupach & Spitzberg, 2004, pp. 101-105.

117 Ibidem.

118 Cupach & Spitzberg, 2004, p. 70.

relationship<sup>119</sup>.

The outcome is in most cases therefore that of someone pursuing a liaison with someone that does not feel the same or, as it is in the case we analyse here, after the break up of an intimate relationship, not giving up and accepting the end of it, thus trying to re-start it.

As underlined by Cupach and Spitzberg, relationship's end is one of the most stressing events a person might experience, especially for the partner that is rejected, with fallouts on his or her own self-esteem and feelings ranging from anger and sadness to anxiety. Thus, the distress felt by, in our case, the male partner that is left may spark the feeling of trying to re-establish the connection with the disengager, to reconcile with her, sometimes throughout aggressive behaviours<sup>120</sup>. According to the researchers, no successful uncoupling technique can be established in order to avoid being pursuit or stalked by someone if the other is determined in re-establish or continue the relationship<sup>121</sup>.

What are then the effects of stalking on the victim, due to the high likelihood of being threatened? Most commonly, *post-traumatic stress disorder* (PTSD) symptoms and behavioural disruption, due to the need of changing everyday life's activities in order to not being stalked any more<sup>122</sup>.

These consequences have been found to be very likely to happen especially if the victim had pre-existing vulnerabilities that may be worsened by the occurrence of being stalked<sup>123</sup>.

By far, according to the meta-analysis conducted by Cupach and Spitzberg on 143 studies from mainly Anglo Saxon countries and Japan of different large scale studies on stalking, ORI and harassment, the highest amount of stalked individuals are women,

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119 Ibidem.

120 Cupach & Spitzberg, 2004, pp. 28-33.

121 Ibidem.

122 Cupach & Spitzberg, 2004, p. 123.

123 Ibidem.

with an estimate that varies between 75% and 80% <sup>124</sup>.

Furthermore, some 77% of stalking victims were found to know their pursuer because of some form of past tie-up, among which around half stemmed from a previous intimate relationship<sup>125</sup>.

Even though Cupach and Spitzberg report that, among the stalkers population, generally speaking only a minority of stalkers are violent thus making homicides deriving from stalking happening very seldom, however, the risk increases for stalking evolving from a history of domestic violence within the relationship<sup>126</sup>, thus making particularly important the protection of the women involved.

The latter seems to be a very controversial issue: the more the partner/stalker was abusive during the relationship, the more it is likely he will ignore the restraining order (RO), because the latter can stir his anger or he may not perceive the “weight” of justice.

Thus, the RO may sometimes only make the situation worst, further endangering the woman rather than protecting her<sup>127</sup>, especially in case the victim does not find around her a network of professionals keen to help her.

How much then of post-relationship stalking derives from some form of domestic violence perpetrated during the liaison? According to Douglas and Dutton, that analysed the connection among stalking and domestic violence in Canada, *between 30% and 65% of all stalking cases involving a previous intimate partner were stemming from a former violent relationship*<sup>128</sup>.

The situation in Italy resembles the general trend. As we have seen, ISTAT in 2007 highlighted that around 2 million women were victims of stalking, of which about 50% stemmed from a prior history of domestic violence<sup>129</sup>.

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124 Cupach & Spitzberg, 2004, p. 43.

125 Cupach & Spitzberg, 2004, p. 51.

126 Cupach & Spitzberg, 2004, pp. 91/134.

127 Cupach & Spitzberg, 2004, pp. 153-155.

128 Douglas & Dutton, 2000, p. 533.

129 Cfr supra footnote 77, pp.1-3.

This data, per se already picturing quite a broad presence of the aggressive phenomenon in the society, might be an underestimation.

As Baldry and Roia argue, given the scarce perception of the women, as for domestic violence, of being victims of something they should not be subjected to, the stalking behaviour it is often not perceived to be wrong, even if threatening and violent.

Rather, there is a common belief in some societies, stemming from cultural reasons, that the person acting as stalker is indeed passionate, jealous and desperately in love and therefore cannot give up on the end of the relationship. Subsequently the signs might be underestimated and misunderstood<sup>130</sup>.

This cultural bias, along with the persistence of stereotypes as well as conservative and rigid ways to interpret the situation, is found among the professionals that have to deal with the victims as well, such as police and health care professional, thus affecting the outcome of their own work and the protection of the injured party<sup>131</sup>.

This, as I have previously shown, is valid for the Italian case.

In Italy, there is no specific law against domestic violence, that therefore does not constitute a criminal offence. Throughout the jurisprudence though, various other articles of the Italian Penal Code (Codice Penale) have been used for crimes deriving from domestic violence, such as personal injuries (Art. 582, 583), sexual violence (Art. 609-bis), attempted homicide (Art. 56) and homicide (Art.575)<sup>132</sup>.

Moreover, Art. 572<sup>133</sup>, ill-treatments in the family or against children (under 14 years of age), is the main norm to which in Italy they refer to in cases of domestic violence when it is proven the daily suffering of the victim<sup>134</sup>.

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130 Baldry & Roia, 2011, p. 9.

131 Ibidem.

132 Baldry & Roia, 2011, pp. 11-14.

133 In 2012 the article has been upgraded to “ill-treatments against family members and the live-in partner”, following the ratification of the 2007 COE's Convention of Lanzarote on the “Protection of children against sexual exploitation and sexual abuse”. Source:

[http://www.penalecontemporaneo.it/area/2/-/-/1819-mobbing\\_e\\_maltrattamenti\\_alla\\_luce\\_della\\_legge\\_n\\_172\\_2012\\_di\\_ratifica\\_ed\\_esecuzione\\_della\\_convenzione\\_di\\_lanzarote/](http://www.penalecontemporaneo.it/area/2/-/-/1819-mobbing_e_maltrattamenti_alla_luce_della_legge_n_172_2012_di_ratifica_ed_esecuzione_della_convenzione_di_lanzarote/) (consulted on 23 June 2013).

134 Cfr. Supra footnote 132, pp. 11-14.



This application has implied that, over time, not only physical violence but also the psychological one has been included into what constitutes domestic violence and can thus be punishable under Art. 572<sup>135</sup>.

Therefore, the ill-treatments article covers the physical and moral integrity of the person subjected to a violence that causes pain, as we said not necessarily physical, and that might denote as well an offence to one's dignity<sup>136</sup>.

For someone to be punished under Art. 572, the jurisprudence determined that, there must be an utter exercise of ill-treatments from one person on another one, although it is not required a total subjection of the victim (i.e. condition of slavery).

It is therefore not considered ill-treatments when the offences are reciprocal, even if to different extents<sup>137</sup>.

Furthermore, the crime of ill-treatments in Italy is punishable by arrest for being caught in the act.

However, in the application this has been facing some difficulties, because of the need for the police of having immediate access to previous charges that can have already been placed upon the perpetrator and of a declaration of the victim of what has been happening before their intervention, which is clearly difficult because of the victim's psychological state<sup>138</sup>.

Baldry and Roia underline that the term ill-treatments in Italy comprehends domestic violence as well as IPV, thus ascribing to this category psychological<sup>139</sup>, economical<sup>140</sup>,

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135 Ibidem.

136 Ibidem.

137 Ibidem.

138 Baldry & Roia, 2011, pp. 15-16.

139 It comprehends threatening and degrading treatments by the partner, as well as attempts to isolate the other person. Sometimes the victim of this type of behaviour can be completely brainwashed by the person perpetrating it, in some cases leading to serious depression.

140 This type of violence consists of acting on the partner conducts that aim at controlling her economically, by taking possession of her wage, denying her from working, denying her from having money/cards.

sexual<sup>141</sup> and physical<sup>142</sup> violence, that sometimes may occur as in a spiral<sup>143</sup>.

Although ill-treatments has been used in Italy as to include the crime of domestic violence, I reckon that, in order to tackle and eradicate the problem of violence on women from its roots and in a view of preventing and not healing, it is absolutely necessary to enact a comprehensive law to contrast and eliminate domestic violence. The law would complement the “stalking law”<sup>144</sup> that was passed in 2009.

I will now provide an analysis of the 2009 “stalking law” to see whether or not it is useful to effectively protect the women from stalking, particularly the post-relationship one, and I will show some data in support of the assumption that the law has several gaps that does not guarantee adequate tutelage.

One more reason for the Italian state to enact a law on domestic violence that would protect women in a more thorough manner.

Baldry and Roia affirm that law 38/2009 filled up a normative gap that paradoxically, before it was introduced, required the stalking conduct to be very aggressive for the perpetrator to be punished; the only charges possible were private violence (Art. 610 Penal Code) or a fine<sup>145</sup>.

The amendment of this gap, as well as the fact that the new law comprehends the already well defined crime of threats and the less defined one of harassment as well, left open by the legislator to the judge's interpretation (so that a wide variety of conducts might be included), are among the positive aspects of the law, in order to ensure an improvement of the women's lives<sup>146</sup>.

Another positive characteristic of the law is the warning act that police can place on the

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141 It implicates sexual harassment and any form of sexual act achieved by threatening or forcing the woman, including forcing her in having sex with third parties or obliging her to prostitute herself.

142 Any type of physical act that aims to hurt and frighten the victim and thus causes injuries, by any means.

143 Baldry & Roia, 2011, p. 17.

144 Law n.38/2009, Art. 612-bis of the Penal Code.

145 Baldry & Roia, 2011, pp.22-24.

146 Ibidem.

stalker, after rapidly having checked the victim's statement.

Hence, this is an action in view of preventing the reiteration of the conduct, before arriving at the legal proceeding<sup>147</sup>.

The law envisages as well *ex-officio prosecution* if the subject does reiterate the conduct after the warning, which is one of the situation applicable for which this procedure is followed. The other situations where *ex-officio* is applied are if the conduct is acted on a minor or disabled person and if it is connected to another crime for which *ex-officio* is envisaged (such as ill-treatments)<sup>148</sup>.

Of the same importance and scope, the protection order (PO), that integrates the one already present in the Penal Code for abuses in the family, extending the time span of the order from six months to one year and denying the stalker from seeking proximity and communicate with the victim by any means<sup>149</sup>.

This application, although it is seen as the most effective one and probably the only one available in Italy, does have a problem.

Indeed, the wide evaluation of risk assessment is left to the judge alone, whom, not trained in evaluate under the psychological point of view, is subjected to a wide margin of error. Given the scarce protection of the victim in the Italian legislative system and the total absence in the law of a rehabilitation of the stalker<sup>150</sup>, these measures does not seem sufficient to me to protect the women from a reiteration of the conduct by the stalker and from, in some cases, being eventually killed by him, once the PO or the detention time<sup>151</sup> are over.

Furthermore, the main negative aspect that has been raised is about the **focus** and the **orientation** of the law itself.

In fact the law has been criticised by some jurists as being too much focused on the

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147 Baldry & Roia, 2011, pp. 26-27.

148 Ibidem.

149 Baldry & Roia, 2011, pp. 37-44.

150 Ibidem.

151 In the law it is envisaged an increase of the detention time if the stalker has had an intimate relationship with the victim, but if the stalker does not follow a rehabilitation when being in detention, it is very easy to imagine that, after some years in prison, his feelings toward the victim might have only worsened, thus putting again the woman in danger.

victim.

Indeed, by being aimed at the freedom of the person, both in the negative sense (not being obliged to be subdued to someone's else conducts) and the positive one of being free to act, the law thus states: “*Unless the act does not constitute a more serious crime, it is punished with detention between six months and four years whoever, by reiterating the conducts, threatens or harasses someone to the extent of causing in the other a serious and enduring state of anxiety or fear, as well as dread for his or her own safety and the one of one's relatives or of someone with whom he or she has emotional ties, so that the latter has to change his or her own routine*”<sup>152</sup>.

More specifically, the fact that the first two states, anxiety and dread for others, are subjective states, whereas only the last one is objective, have raised an hypothesis of unconstitutionality of the law, for non-definiteness of the type of act<sup>153</sup>.

The Supreme Court lawyer Giuseppe Siniscalchi, during his intervention in a congress on mobbing and stalking in Milan, has re-affirmed this critique, by adding that other judicial systems, such as the Austrian one, have focused the law on the perpetrator's conduct, in order to avoid this unconstitutionality problem<sup>154</sup>.

Thus, the problem itself of determining all the stalking conducts, that have been found also in the international psychological literature, seems to have affected the enactment of a law that might effectively protect the victims of stalking.

Italy though it is not the only European country to have a law that might be biased on being too much victim-oriented.

In 2007, the *Modena Group on Stalking*, in a comparative study of European stalking laws (at the time only eight countries already had one), reported that the 1997 English speaking countries' laws criminalising stalking were victim-oriented as well as the 2009 Italian one, whereas the newer ones of Austria and Germany followed a more

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152 Art. 612-bis Italian Penal code. Author's translation. In Italian the law is declined only at the masculine.

153 Baldry & Roia, 2011, p. 24. “Indeterminatezza della fattispecie” in the original.

154 Siniscalchi, Giuseppe, abstract of the Congress “*Mobbing e stalking. Aspetti penali, procedurali e civili*”, organized by *Osservatorio legalità e diritti*, 26 March 2011, available at <http://www.osservatoriolegalita.org/11/eve/mi/atti.htm>, (consulted on 25 June 2013).

perpetrator-oriented trend and focused on the protection of one's privacy<sup>155</sup>.

To my knowledge, no further study has been conducted investigating which of the two legislative approaches have been more effective until now in protecting the women from stalkers. This would be in my point of view of the uttermost importance especially for women victims of ex-partner/stalkers that are more at risk of femicide.

Given that for most of the European countries with legislation on stalking this law has been present for more than five years already, I regard this as very much needed in order to tackle the problem of stalking.

Going back to the analysis of the Italian law, another matter that might be considered as having been left too much undetermined is the **reiteration of the act**.

To clarify on this matter, a Supreme Court's verdict established in 2010 that, to be stalking, it is sufficient the reiteration of only two acts of stalking from the subject, thus cutting down to a minimum what could have been red otherwise as in need of a higher number of conducts/time<sup>156</sup>.

For the scope of this research, it is also meaningful to highlight how the stalking law interacts with the crime of ill-treatments already present in the judicial system.

Baldry and Roia explain that some Courts, in their judgements, tended to struck a division between when to apply ill-treatments and when stalking according to whether or not stalker and victim share the same dwelling.

Consequently, stalking acts would start only after ill-treatments, when the two subjects do not live together any more.

The authors are discordant with this solution and are more prone to consider the conducts as crime of ill-treatments even when the perpetrator and the victim ceased to cohabit. In their view, stalking would fit best only for people that did not have a

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155 *Modena group on stalking* is a European multidisciplinary group of researches within the Daphne programme. The Project on stalking is entitled “*Protecting women from the new crime of stalking: a comparison of legislative approaches within the European Union*”; it was released on April 2007. It is available at <http://stalking.medlegmo.unimo.it/rapporti>, (consulted on 25 June 2013).

156 Baldry & Roia, 2011, pp. 24-26.

previous intimate relationship<sup>157</sup>.

To my mind, this disambiguation creates even more confusion, as by following the thought of the authors, women victim of post-relationship stalking would not be eligible to be protected under the stalking law, even if what they are subjected to is stalking and not ill-treatments.

Indeed, the boundaries between these inter-relational conducts are uncertain and tough is to decide preventively, but to me the stalking law should be applied to all the victims of stalking, regardless of the origin and the causes of the conducts.

Another point of critique moved on the stalking law is that, whether the person victim of stalking would decide to begin a legal action, the law did not envision this as non-revocable. Thus, the victim can determine the continuation or not of the law suit, which, given the psychological state of the latter and the risk of being influenced by the accused, it is not an appropriate solution besides being quite atypical as well<sup>158</sup>.

Therefore, as we have seen, many points of critique have been moved to the 2009 Italian stalking law. For the scope of this research, in my view, a paramount critique, as reported by Patrizia Romito in her preface to Spinelli's book, is the fact that the Italian stalking law ignores, or at least underestimate, the fact that the stalking behaviour by the ex-partner is in most of the cases a continuation of domestic violence perpetrated during the relationship.

Therefore, given that the stalking behaviour sees an escalation of the intensity of the episodes, this may very likely lead to femicide, even after years of ill-treatments when the State did not intervene<sup>159</sup>.

Notwithstanding the weaknesses of the law, what does the data say about its effectiveness?

The only national data I could found regarding the stalking law and its application are

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157 Ibidem.

158 Baldry & Roia, 2011, pp. 26-27. The victims are therefore left to be the ones that decide of the freedom of another subject, the accused.

159 In Romito's preface of Spinelli, 2008, p. 13.

the ones from *Osservatorio Nazionale Stalking* (ONS)<sup>160</sup>, based on data from the Ministry of Justice.

First of all, they report how the charges pressed are far more on known persons than on unknown persons in both of the two years examined<sup>161</sup>, confirming that the stalker is very often a person well known to the victim<sup>162</sup>.

Data confirmed as well by another finding, that the number of cases that have seen a legal action are higher than those dismissed. The latter has seen a higher percentage, 60%, for charges against unknown, whereas the percentage of dismissed cases when the victim knows the perpetrator is 30.9% in 2009 and 36.9% in 2010<sup>163</sup>.

Notwithstanding this, the percentage of dismissed cases is very relevant in both of the situations, due to people placing specious charges and for the difficulties in collecting proofs.<sup>164</sup>

The ONS also recall a more psychological factor, that might undermine the thoroughness of the data reported: the under-reporting due to fear of revenge or lack of trust in the institutions<sup>165</sup>.

In turn, this shows for me the need to re-think and re-build the relationship between citizens and institutions in Italy, especially with women.

Therefore, it is possible to conclude that there was an increment of the denunciations between 2009 and 2010, hence after the approval of the law, with around 3.500 denunciations more<sup>166</sup>.

Another data, concerning the city of Milan only, in the years 2010-2011, was given by the Public Prosecutor Pietro Forno, who works for the Department for crimes against the family, pornography and paedophilia. He stated that between March 2010 and March 2011 there was an increment of 30% of denunciations for stalking, from 574 to

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<sup>160</sup> *National monitoring on stalking*. Morgani, Angela, Data available at <http://www.stalking.it/?p=3239>, (consulted on 26 June 2013).

<sup>161</sup> 2009/2010.

<sup>162</sup> ONS, 2010.

<sup>163</sup> Ibidem.

<sup>164</sup> Ibidem.

<sup>165</sup> Ibidem.

<sup>166</sup> Ibidem.

750<sup>167</sup>, thus confirming the trend.

Forno also affirmed as, in the application of the stalking law in Milan, non-custodial measures have been preferred to detention, bringing attention to the fact that the warning measure enacted by the police seemed to be particularly effective in preventing the stalker from reiterating the conduct<sup>168</sup>.

Hence, according to the prosecutor, mediation by an institution such as police it is of the uttermost importance to fight stalking, as well as enforcing a network of different professional that work together to contrast stalking<sup>169</sup>.

The slightly positive situation to which Forno drew attention to, cannot be considered of course as generalizable to the whole country. The lack of official data, the cultural factor that leads to under-reporting from women and the many specious denunciations does not allow to have a thorough picture of the situation in the country.

Further data and researches are needed in order to know the extent of the phenomenon in Italy and whether or not the law is effective to fight it.

Correct information to the population and training of professionals must be enforced to guarantee that people find trust in the institutions.

A 2009 research from Galeazzi et al. of stalking victims in Belgium, Italy and Slovenia found that in Italy 79.2% of the interviewees experiencing stalking turned to family and friends rather than police. The latter was contacted in 44.9% of the sample usually only between one and six months after the beginning of the stalking<sup>170</sup>, with a potential increase of the risk to be exposed to an outbreak of violence.

Furthermore, given all the critiques that have been raised here, it is very likely that a revision of the law is needed in order to eliminate those weaknesses that are likely to make it less effective in protecting the women.

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167 Forno, Pietro, Abstract of the Congress: *Mobbing e stalking. Aspetti penali, procedurali e civili*, organized by *Osservatorio legalità e diritti*, 26 March 2011, available at <http://www.osservatoriolegalita.org/11/eve/mi/atti.htm>. (consulted on 26 June 2013).

168 Ibidem.

169 Ibidem.

170 Galeazzi et al, 2009, p. 251.



## *Chapter 6-Portugal: situation of domestic violence, data and researches carried out*

Portugal's situation of domestic violence on women does not differ from the international trend.

As Dias reported in 2004, the study by Lourenço et al. *Violência contra as mulheres*<sup>171</sup>, found 56.3% of women in urban areas were victims of violence or discrimination, as well as 55.3% in sub-urban areas<sup>172</sup>.

Other data from the police confirms this situation: the two different police corps that deal with this problem, *Polícia de Segurança Pública* (PSP) and the *Guarda Nacional Republicana* (GNR), in the year 2000 stated that the number of cases of domestic violence in the country were 11.765, with Porto being the most violent city (with an increase of 84% compared to the previous year, according to the PSP)<sup>173</sup>.

In 2004, 85 % of the victims of domestic violence were women, 69% of which was carried out by the intimate partner, according to the PSP<sup>174</sup>.

According to the most recent report on the internal safety in Portugal, citing data from PSP and GNR, in 2012 there have been 26.084 incidents of domestic violence in the country reported to police, with a decrease of 10% compared to the previous year<sup>175</sup>.

For what concern instead data available on femicide, in 2005 Filipa Alvim reports for Amnesty International that 15% of all the murders in the country were among married couples<sup>176</sup>, with around 60 women being killed by their partner every year<sup>177</sup>.

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171 Violence against women.

172 Dias, 2004, pp. 61-62.

173 Ibidem.

174 Alvim, Amnesty International, Relatório da campanha “*Acabar com a Violência sobre as mulheres. Mulheres (In)visíveis*”, 2005, p. 27.

175 *Relatório Anual de Segurança Interna* (RASI), 2012, pp. 113-114.

176 As we have previously seen, the UN ODC statistics reports that the female homicide rate in Portugal is 1.0 per 100.000, higher than in Italy. Cfr supra footnote 94.

177 Alvim, Amnesty International, Relatório da campanha “*Acabar com a Violência sobre as mulheres. Mulheres (In)visíveis*”, 2005, p. 18.

In 2012, the above cited report of police's data registered an increase of 37% compare to 2011, with 10 cases more, amounting the cases for the year 2012 at 37<sup>178</sup>.

It is though significant that the number of femicides has been halved compared to 2005.

The increase on the number of femicides has been confirmed also by the *Observatório de mulheres Assassinadas* (OMA) of the *União de mulheres alternativa e resposta* (UMAR)<sup>179</sup>, that collects data on women's murders based on news published on the press<sup>180</sup>, as we have seen it is done also in Italy.

Indeed, the OMA has registered for 2012 40 murders of women, the same data they recorded in 2004, the year when they started, as well as 53 attempted murders<sup>181</sup>.

Among these, 52.5% have been intimate partner's responsibility, percentage that rises to 72.5 when including ex-partners as well<sup>182</sup>, once more confirming what we have seen happening worldwide.

Given that 57%<sup>183</sup> of these women, before being murdered, was subjected to violence during the relationship, OMA provides also data on whether or not these cases had been reported to police and if there was a law suit ongoing or concluded.

They found that in 65% of the cases these data were not available on the press, whereas 10% of these women had already pressed charges on the perpetrator.

Furthermore, in 7.5% of the cases coercive measures had been applied and in 5% the murderers had already been convicted and were serving term at the time<sup>184</sup>.

As OMA itself affirms, these data are not completely accurate, but show that there is still a lot to do to stop violence that can lead to femicide.

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178 RASI, pp. 87/113.

179 *Monitoring of murdered women of the Women's union alternative and answer*, is a women's Non-Governmental organisation (NGO) working with the *Comissão para a Cidadania e a Igualdade de Género* (CIG), *Commission for Citizenship and Gender equality*, since 1977. Source: <http://umarfeminismos.org/index.php/quemsomos>, (consulted on 4 July 2013).

180 OMA, *Dados 2012*, released in April 2013, p. 3. Available at <http://umarfeminismos.org/images/stories/oma/2012/OMA%202012%20Final.pdf>, (consulted on 4 July 2013).

181 Ibidem.

182 OMA, 2013, p. 5.

183 OMA, 2013, p. 17.

184 OMA, 2013, pp. 19-20.

Going back to the data on domestic violence, *Associação Portuguesa de Apoio à vítima* (APAV)<sup>185</sup>, a non-profit organization that informs, helps and protects victims of crime in the country, reported an increase in 1998 of the cases they have treated compared to previous years, with 80% of them due to women being victims of domestic violence, thus enhancing as the latter might have seen an escalation during those years.

Indeed, they registered even in the following years an increase in the amount of processes they have been dealt with, passing from 4653 to 7593 between 1999 and 2000, with a 29.7% increment, due also to their establishment of a land-line to attend people in need<sup>186</sup>.

Other data from APAV highlights as 87.06% of the victims they dealt with were women, of which 36.7% were between 25 and 45 years old<sup>187</sup>.

More recently, in 2012 APAV declared to have had 12.084 processes, with a slight decrease in domestic violence – related cases, that passed from 85% in 2011 to 83.6% in 2012<sup>188</sup>. Among this, what they define as psychological ill-treatments constituted 36% of all the cases they dealt with, whereas physical ill-treatments was 26.7%<sup>189</sup>.

The total amount of women they helped for cases of domestic violence was 5.669<sup>190</sup>. Moreover, nearly 50% of all the cases APAV dealt with in 2012 had as crime scene the common dwell between victim and perpetrator<sup>191</sup>.

APAV also highlights as, in 37% of the cases, people did not report to police, whereas in 35% did<sup>192</sup>.

Another data reported by APAV important for the scope of this research is that 34.4% of the crimes were committed by a spouse and 13.8% from a partner, whereas nearly 16% was by an ex-partner; the perpetrator was in most of the cases a man (81%), thus

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185 Portuguese Association for helping victims.

186 Dias, 2004, p. 62.

187 Ibidem.

188 APAV, *Estatísticas APAV Relatório Anual 2012*, February 2013, p.7, available at [http://apav.pt/apav\\_v2/index.php/pt/estat](http://apav.pt/apav_v2/index.php/pt/estat) , (consulted on 27 June 2013).

189 APAV, 2013, p. 11.

190 APAV, 2013, p. 15.

191 APAV, 2013, pp. 34-35.

192 Ibidem.

confirming the international trend of IPV<sup>193</sup>.

One of the first comprehensive studies on violence on women in the country, already cited at the beginning of this chapter, has been conducted in 1997 by Lourenço et al.<sup>194</sup>. The study was developed through a questionnaire delivered to women above the age of 18 years old, investigating the type of violence they were subjected to, how they reacted to it and how they perceived the violence, as well as some traits regarding the perpetrators<sup>195</sup>. The researchers found that the highest amount of violence on women in the country was in the urban and sub-urban areas, victims being mainly young women of 18-24 and 25-34 years old.

Education did not seem to be a factor that could decrease the risk of violence for women in Portugal, as both educated and less educated women were found to be victims. Indeed, the researchers also found that women belonging to poorer social status were more likely to be victims of physical violence whereas women with higher status were subjected to higher levels of sexual violence<sup>196</sup>.

Furthermore, the researchers uncovered also as *psychological violence affected more than half of Portuguese women*, with an increase where the others types of violence were more present.

Also in Portugal, as I had previously brought attention to, the intimate partner is the one responsible for the major amount of violence<sup>197</sup>.

The most recent and exhaustive analysis on violence on women in the country, that takes into consideration manifold elements of interpersonal violence, is the 2009 study from Lisboa et al.<sup>198</sup>.

This insightful analysis compares 2007 findings with the ones the same team of

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193 APAV, 2013, pp. 32-33.

194 Dias, 2004, p. 79.

195 Ibidem.

196 Ibidem.

197 Ibidem.

198 Lisboa et al., “*Violência e Género-Inquérito Nacional sobre a Violência exercida contra Mulheres e Homens*”, 2009, pp.132.

researchers registered in 1995.

For what concern 2007 alone, the team obtained the result of 38%<sup>199</sup> of Portuguese women above the age of 18 years old being victims of violence<sup>200</sup>, which means that one in three of the women interviewed has been affected by at least one of the violent behaviours investigated, in the last or previous years<sup>201</sup>.

This percentage rises until 57% if we take into consideration social discrimination<sup>202</sup>, contemplated in the study as well.

Hence, it follows that one in two women in Portugal is victim of some sort of violence<sup>203</sup>.

Of the nearly 13% of women that declared being subdued to violent acts in the year prior to the research, half of them affirmed it was perpetrated by a current or ex-intimate partner<sup>204</sup>.

Thus, this confirms as IPV was still in 2007 present in the society, notwithstanding, as we shall see shortly, an early awareness of the problem in the country and hence the presence of specific legislation to contrast the problem.

The analysis from Lisboa et al. also confirmed a previous finding from the already cited study from Lourenço et al.: psychological violence has been found to be the type of violence that mostly affects Portuguese women, with 45% of them being victims of this subtle but serious form of violence<sup>205</sup>.

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199 Lisboa et al, 2009, p. 37.

200 The 2007 National Inquiry investigates the victimization for 62 different types of violence (26 types of psychological violence, 15 of physical violence, 12 types of sexual violence) as well as 8 types of social discrimination, whereas the 1995's Inquiry with which the data are compared contained 53 types of violence all together. Lisboa et al, 2009, pp. 32-33.

201 Lisboa et al., 2009, pp. 37-38.

202 This type of discrimination includes, according to the researchers, a biased representation of the women on the media or in advertisements, gender-biased values taught in school that will prevent girls from accessing certain working environments, as well as being discriminated on the workplace, with questions on their pregnancy status or whether they are married or they already have children. Lisboa, 2009, p. 42.

203 Cfr Supra footnote 201, pp. 37-38.

204 Ibidem.

205 Lisboa et al., 2009, p. 39.

It must be noted as well that 36% of the women referred that more than one type of violent act has affected their lives along the course of the previous year<sup>206</sup>, which in turn shows that, extremely often, the cycle of violence combines various forms at different extents along the stages of its development.

In accordance with what I have previously shown, the 2009 Portuguese research further highlighted that the violent acts on the women are for the most part committed by men (72.7%), even though Lisboa et al. also found that 27.3% are inflicted by women (mostly psychological violence)<sup>207</sup>.

The team also registered an increase in the number of women that appeal to police when in need, compared to previous years, (due to the job the police had done in the last decade to improve the quality of their service), especially if the violence is perceived to be particularly threatening for their lives.

A 37%, though, still do not go to police when threatened of death, thus incrementing the risk for their life<sup>208</sup>.

Moreover, *in comparison to 1995, the 2009 analysis shows that the total number of victims of psychological, physical and sexual violence decreased of 10%*, passing from 48% in 1995 to 38% in 2007, whereas for what concern discrimination the decrease is much lower (from 52.2% to 51.4%)<sup>209</sup>.

In order to be more accurate, considering only the last year prior to the research in both 1995 and 2009, the team registered an important decrease in this case as well: from 23.8% in 1995 to 9.3% in 2007.

When looking to domestic violence by an intimate partner only, the trend is confirmed: in 1995 the amount of women victims was 13.1% against 6.5% in 2007<sup>210</sup>.

Although the violence between 1995 and 2007 decreased, paramount is to highlight that domestic violence as a whole is more than 50%.

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206 Ibidem.

207 Lisboa et al., 2009, pp. 42-43.

208 Lisboa et al., 2009, pp. 47-50.

209 Lisboa et al., 2009, pp. 51-53.

210 Ibidem.

Hence, the researchers concluded that although considerably diminished, violence is still an endemic social problem in Portugal.

They underline as a lot of work is yet to be done to continue and complete what has already been started, by changing the perception of women and therefore their place in society, which still mainly reflects the patriarchal rules that lead to gender inequality<sup>211</sup>.

When investigating more deeply on the Portuguese women's history of violence, one of the researchers, Zelia Barroso, found that nearly 28% of the women reported being physically and 24.2% sexually victimised a long time before the investigation; 23.4% of them declared a reiteration of the physical abuse<sup>212</sup>.

Thus, this shows how the violence for Portuguese women, as well as for many other women in the world, might begin at an early stage of life, when it is perpetrated by the parents, mostly by the father.

As Dusty Miller argues in her 1994 book<sup>213</sup> on women traumatised during childhood (not only physically or sexually), the abuses experienced by girls at early age will lead them, once turned women, to remain embedded in the trauma as well as in its effects, which include developing a wrong perception of love as equal to violence.

This in turn explains why so many of them seek a partner that reproduces this wrong model to which they were subjected to at young age<sup>214</sup>, thus remaining entrapped in the violence for their whole life.

Hence, this shows how violence must be faced as a very widespread and tricky phenomenon, that can start early in life and lead to the choice of violent partners. Therefore, the fight to it and the help to the women must take into consideration the all-

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211 Ibidem.

212 Barroso, Zelia, in Lisboa et al., 2009, pp. 71-72.

213 Miller's contribution at the PTSD has been her research on what she called the *Traumatic Re-enactment Syndrome* (TRS), found in adult women with self-destructive behaviours (from anorexia to hurting themselves, as well as extreme forms of beautification, use of drugs and alcohol, among others) whom experienced various types of trauma to different degrees during childhood, mainly by parents or other caregivers. These women in adulthood re-live the trauma by re-activating it through self-destruction.

214 Miller, 1994, p. 157.

encompassing factors and actors that may affect women's lives.

From the comparison of the data presented here, it is possible to conclude that violence on women in Portugal has at least slightly decreased between the 1990s-2000s and today, although it has not been yet completely eradicated in all its forms.

As shown by Lisboa et al., the percentage of people not going to police when in need is still very high, as well as the discrimination the women face in the society and the number of femicides, that saw a rise in 2012.

In the next chapter I will proceed to analyse the measures the Portuguese State has taken to face the problem of violence on women in the country, that led to, at least partially, a successful implementation of laws against domestic violence and therefore to the decrease of violence I have shown in this chapter.



## *Chapter 7-Portuguese law on domestic violence and measures implemented to fight it*

What are therefore the measures that the Portuguese State has carried out to fight violence on women?

***Since 1970, before the international conferences that acknowledged the violations of women's rights***<sup>215</sup>, the Portuguese State has been well aware of the necessity of improving the lives of its women.

Indeed, since then, it had had a Commission<sup>216</sup> working on the condition of the women in the society, with the aim of empowering Portuguese women and eliminate any form of discrimination against them, in respect of the principles contained in the Constitution<sup>217</sup>.

Interesting to me to underline are the objectives of the CIG, in order to understand the process that led to the enactment of the current law against domestic violence<sup>218</sup>, that we will later analyse.

The main objectives that the CIG had since the '70s were: transforming the way of thinking of women and men so that a full respect of the dignity of all human beings can be guaranteed, achieving co-responsibility of both women and men in building the Portuguese society, at all levels, and making the whole society responsible of the social function of motherhood<sup>219</sup>.

I reckon these aims as quite forward-looking for the time and definitely emphasise how the State in Portugal has been aware for many years now of the need of empowering women and ensuring respect of their dignity as human beings.

The State has also been proactive, as we shall see hereafter, in achieving these goals, by

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215 First World Conference on Women, Mexico City, 1975, 2<sup>nd</sup> W.C. Copenhagen, 1980, 3<sup>rd</sup> W.C, Nairobi, 1985, 4<sup>th</sup> W.C. Beijing 1995.

216 Nowadays the CIG, Cfr. Supra footnote 179, source: <http://www.cig.gov.pt/>, (consulted on 28 June 2013).

217 Ibidem.

218 Law 112/2009.

219 CIG, cfr. Supra footnote 216.

enacting laws and implementing measures to bring about changes in the society, as no law can be really effective without having an adequate cultural climate keen to receive and respect it.

Such an early awareness, compare to other countries<sup>220</sup>, it is probably the reason why, in 1991 Portugal passed its first law<sup>221</sup> to fight domestic violence, that was further revised until the 2009 one I will examine.

Some years after the enactment of the first law on domestic violence, in 2000, the *First national plan to fight domestic violence* was approved, the second following in 2003-2006, the third in 2007-2010, until the current one, 2011-2013<sup>222</sup>, with a view to finalise the directives included in the law.

The first three plans, by recognising the importance of the fight to domestic violence, that affects the lives of all people<sup>223</sup> in the society, and highlighting the means to achieve these objectives, such as by introducing gender-friendly educational programmes in school and improving the functioning of the judicial system, among others, acknowledged foremost the *need of protecting the victims*, for the major part women<sup>224</sup>.

The plans in 2005 have received the appreciation of *Amnesty International*, that further called for transforming the political will in concrete reality, by adequately implementing them<sup>225</sup>.

I will now proceed to the analysis of the 2009 law<sup>226</sup> that repealed the previous one (1999) and then I will present and comment on the current national plan to fight domestic violence, which implements the directives contained in the law.

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220 For instance, Italy's Department for equal opportunities was established only in 1996 and the Decree "Codice delle Pari opportunità tra uomo e donna", "Regulations for Equal opportunities between man and woman", enacted only in 2006. Source: <http://www.pariopportunita.gov.it/index.php/istituzione-e-competenze>, (consulted on 28 June 2013).

221 Law 61/91. Lisboa et al., 2009, p. 16.

222 CIG, Cfr supra footnote 216.

223 Including therefore elderly, children and disabled people as well.

224 Lisboa et al, 2009, p. 18.

225 Alvim, 2005, p.48.

226 Law 112/2009; Portuguese Penal Code Art. 152.

First and foremost, *domestic violence in Portugal is a public crime*, meaning that third parties can report to police a case of domestic violence<sup>227</sup>.

In my view this is a very significant way to make everybody responsible for the fight against this endemic problem, which traditionally has always been considered a private matter, because happening in someone's own dwelling, often between a married couple<sup>228</sup>.

Furthermore, I regard this as an important starting point given that an individual, when living in groups or anyway in a society, tend to behave with what has been called by Latané and Darley *diffusion of responsibility*<sup>229</sup>.

This behaviour leads a person not to intervene when knowing that someone is in danger because, by being aware that other people are around and are witnessing the same, the subject thinks that they will help the person in need<sup>230</sup>.

This is what happened in the famous case of Kitty Genovese, (from which the two social psychologists derived their theory), whom was stabbed repeatedly and raped in New York City in 1964 in a time span of half an hour, without that the at least 38 people witnessing from their apartments took any action<sup>231</sup>.

The core of the current Portuguese law against domestic violence and fundamental for improving the lives of the women<sup>232</sup> is the *protection of the victim*.

In fact, upon presenting the denunciation and once the police has controlled that it is not unfounded, the injured party receive the *statute of victim*<sup>233</sup>, with correlated documentation explaining rights and duties, such as the right to be informed adequately

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227 Alvim, 2005, p. 45.

228 Hence the presence both in Portuguese and Italian of the proverb “Entre marido e mulher ninguém meta a colher” or in Italian “Tra moglie e marito non mettere il dito”, found also in English as “Don't meddle in a quarrel between a husband and his wife”, which derives from the cultural factor that made domestic violence a taboo topic throughout history and still now does in many places of the world, which also lack legislation to fight it.

229 Darley & Latané, 1968, p. 215.

230 Ibidem.

231 Ibidem.

232 The law is of course intended to protect all the victims of violence, regardless of their sex, age and so on, in accordance with the equality principle, but I will refer to aggressor as a male and victim as a female, as for the scope of my research.

233 Law 112/2009, Chapter 4, Section 1, Art. 14.

regarding the status of their denunciation (as well as the right not to be informed), where to seek further help, what are the requirements according to which they can receive compensation from the State<sup>234</sup>, among others.

The law further envisages the right of the victim to find specific aid within the health care system, as well as the creation of shelter houses.

It fosters the establishment of civil society organisations (CSO) that can help the victims of violence to exit from it, for instance by assisting them in finding a new house<sup>235</sup>.

The law envisions as well a collaboration with the employer of the victim, whom must enforce all the necessary measures to protect the woman and support her with the continuation of her life, such as by allowing a change of workplace or shift hours<sup>236</sup>.

As highlighted by the National Procurator Fernanda Alves, of the 7<sup>th</sup> Section of the *Departamento Investigação Acção Penal (DIAP)*<sup>237</sup> of Lisbon, another measure important in the safeguard of the victim, is the remote assistance necessary to improve the psycho-physical conditions of the person affected from the violence, and guarantee her protection as well (Art. 20/4)<sup>238</sup>.

Moreover, although the law specifies that the trials for domestic violence must be treated as a priority, because of the nature of the crime itself and the risks for the victim<sup>239</sup>, the Procurator underlines in her speech as in reality, given the numbers of inquiries processed every month, this does not really happen as fast as it should.

Indeed, she reports that, in the department where she works, the office dealing with domestic violence's inquiries registered, between March 2010 and January 2011, that out of 1.802 inquiries, 716 were still pendant<sup>240</sup>.

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234 Art 15.

235 Art. 49-53.

236 Chap. 4, Section 3, Art. 41-42.

237 Department for the Investigation of the Penal Action.

238 Alves, “*Do regime aplicável à prevenção da violência doméstica e à protecção e à assistência das suas vítimas*”, 12 March 2011.

239 Chapter 4, Section 2, Art. 28

240 Alves, 2011, p. 6.

Another important point brought forward from the Procurator refers to Art. 152 of the Portuguese Penal Code.

The latter, by stating: “*Whoever, with or without a reiterated manner, inflicts physical or psychological ill-treatments, including corporal punishment, deprivation of liberty and sexual offences: a) to the spouse or ex-spouse; b) to a person of the other or of the same sex with whom the agent maintains or had maintained a relationship of the same type as the one of the spouses, even without cohabitation (...)*”<sup>241</sup>, dismisses the problem of reiteration of the act previously existing and protects also people, both of same or different sex, that are not tied by a non-marital relationship contract or a marriage<sup>242</sup>.

Law 112/2009 further states that, when the perpetrator is caught in the act, the person can be detained until the first hearing, whereas, in case the aggressor is not caught in the act, police is entitled to arrest him if the victim is perceived to be particularly endangered or the act can be reiterated<sup>243</sup>.

The Procurator regards this measure as extremely important for the concrete protection of the victim<sup>244</sup>.

Alves further affirms that, given the actual scarce application of the coercive measures as in Art. 31 of the law in cases of emergencies (such as denial of use of any weapon, denial of continuing living in the same house with the victim, as well as the remote control of the aggressor with the electronic bracelet, applied only with his consent and the one of the victim, further treated in Art. 35-36), the judge or in his/her absence the police can issue an injunction with the aim of protecting the victim<sup>245</sup>.

The Procurator also highlights as the coercive measures might not be respected by the perpetrator, sometimes also because the victim herself, given her emotional state, let him back in the house or getting close to her.

This, in turn, leads to the need of a network around the victim that aims at further

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241 Art. 152, Paragraph 1, of the 2007 Portuguese Penal Code. Author's translation.

242 Alves, 2011, p. 3.

243 Chapter 4, Section 2, Art. 30.

244 Alves, 2011, p. 5.

245 Ibidem.

helping her and that collects new proofs that the violent behaviours are continuing<sup>246</sup>.

Following the directives contained in the law, and continuing the work already started previously, the Portuguese Council of Ministers approved in 2010 the *4<sup>th</sup> National Plan to Fight Domestic Violence*, covering the years from 2011 to 2013<sup>247</sup>.

The plan, following the guidelines of the many international organisms that have condemned violence on women as a violation of human rights, aims at changing the inequalities existing in the society between men and women, which are at the base of domestic violence, by using a holistic approach with non-violence and citizenship at its core<sup>248</sup>. The CIG is in charge of coordinating the activities, but the effective implementation of the plan is responsibility of the many partners involved in it as well.

The plan has 5 main objectives: to inform, educate and raise awareness, to protect the victims and to promote their social integration, to prevent the recidivism of violence (therefore intervening on the aggressor with the aim of re-integrating him in the society), to train professionals and monitoring and collecting data on the problem of domestic violence<sup>249</sup>.

Every year the Commission is responsible for releasing a report<sup>250</sup> with the status of implementation of the plan, which contains around 50 measures divided among the 5 objectives above mentioned, from which it is possible to obtain many informations on what is happening in Portugal to fight domestic violence.

Among the 50 measures included in the plan and therefore in its evaluation, the more relevant highlighted by the plan itself are: involving the city councils in the fight against domestic violence, actions to foster new ideas of masculinity and femininity (namely

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246 Alves, 2011, p. 9.

247 *IV Plano Nacional contra a Violência Doméstica*.

248 Ibidem.

249 Ibidem.

250 *IV Plano Nacional contra a Violência Doméstica 2011-2013-Relatório intercalar de execução 2012*. Released in February 2013, pp.65. Available at <http://www.cig.gov.pt/>, (consulted on 3 July 2013).

breaking the gender-biased stereotypes), enforcing the accomplishment of good practices in the work place, national screening of the women subjected to violence (especially pregnant ones), carry out programmes to intervene on the aggressor, increasing the use of remote control as well as the map of risk for the victims<sup>251</sup>.

More in detail, by reading the report it is possible to have a precise overview of everything it has been undertaken in Portugal in the previous year, at different levels and within the various fields, to eradicate domestic violence, following the guidelines included in the 4<sup>th</sup> National Plan.

Within the first objective of the plan, raising awareness and educating, a national campaign has been carried out, with the occasion of the International Day of the women (25 November), as well as various advertisements on TV, radio and the press.

In the schools, seminars have been organized as well as manuals distributed to educate the youths to the gender related problems.

Police and personnel of the city halls have been trained in order to encourage them to further develop their own plans to combat domestic violence<sup>252</sup>.

For the goal of integrating and protecting the victim, CIG has continued in its work of assisting the victim at first stance, by receiving more than 500 people in person and around 400 calls<sup>253</sup>.

Furthermore, the remote assistance<sup>254</sup> to the victims has been extended during the course of 2012 to all the country and its effectiveness has been evaluated and consequently the system improved upon. Some training courses for magistrates have been provided on the use of this instrument as a mean to help the victims healing from the violence<sup>255</sup>.

The CIG has also started off a revision of the shelter's system to increase the number of

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251 Ibidem.

252 Relatorio, 2013, pp. 5-10.

253 Relatorio, 2013, p. 12.

254 The total number of remote assistance's in 2012 decided by the judges has been 77.

255 Relatorio, 2013, p. 13.

places for Portuguese women, which will continue in 2013<sup>256</sup>.

A measure needed also in Portugal, as we have seen for Italy.

According to the already cited 2013 report from *Women against violence Europe* (WAVE), out of the 1064 places needed in Portugal, 441 are missing<sup>257</sup>.

I deem significant at this point to compare the data regarding women's shelter in both countries object of this analysis.

The outcome is that Portugal has overall more places available (632 distributed on 37 shelters, although it still misses some), than Italy, which has approximately 500, although the latter has 5.5 times more the number of women (30 million against 5.5 for Portugal)!

It follows that Portugal has an availability of places for women victims of violence nearly 7 times the Italian one (60.000 women per shelter's place in Italy against 8.702 for Portugal).

***This in turn shows a paramount difference between the two countries in dealing with the problem.***

Moreover, in view of enhancing the participation of the city halls, CIG has signed a protocol with the Association of the City halls in order to facilitate the access of the women victims of domestic violence to Council's houses, to which 17 towns have already joined.

A special focus has been placed on immigrant women, producing material in different languages<sup>258</sup>, corresponding to the ones that see the highest presence in the country, given that these women are at a very high risk to become victims but may find more difficulties to seek help.

For what concern the third objective, *rehabilitate the aggressor*, following the conclusion of a pilot project for domestic violence's aggressors, it has been organised a seminar to present to professionals working with the rehabilitation of the violent the

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256 Relatorio, 2013, pp. 16-17.

257 WAVE, *2012 Annual report*, 2013, p. 219.

258 Relatorio, 2013, p. 19-22.



results and evaluation of the project<sup>259</sup>.

In regard to this point, in 2005 the CIG<sup>260</sup> commissioned an accurate analysis<sup>261</sup> on the subject, which shows the importance to intervene on the aggressor in order to eradicate violence.

At the core of this analysis is the belief that only by teaching to violent people the importance of non-violent means to sort out a conflict, we can avoid the reiteration of the violent conducts and protect the women<sup>262</sup>, as well as work towards the dream of zero violence.

Within the 4<sup>th</sup> objective, training of professionals, the latter has been provided throughout the year to judges, police, journalists and various other professionals working within the field of domestic violence<sup>263</sup>.

On the 5<sup>th</sup> objective, monitoring and collecting data, CIG affirms that it is receiving and registering all the *statutes of victims* released in the country, and that the analysis of the latter will be carried out in the forthcoming years<sup>264</sup>.

The CIG also provides an evaluation of how many of the measures included in the plan have been implemented during 2012, affirming that out of the 50 measures presented in the plan and that the Commission is responsible to coordinate, only 6 of them had not been brought into play yet (12% of the total), whereas in 2011 this percentage was 24%. Furthermore, 33 measures are currently ongoing, due also to their nature, such as the remote assistance and control, registering anyway an improvement compare to the previous year.

Ultimately, CIG reports that 22% of the measures are concluded, against 18% of the

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259 Ibidem.

260 Back then called *Comissão para a Igualdade e para os direitos das mulheres, Commission for equality and women's rights*.

261 Manita, *A intervenção em agressores no contexto da Violência domestica em Portugal*, 2005.

262 Manita, 2005, p. 12.

263 Ibidem.

264 Relatório, 2013, p. 26.

previous year<sup>265</sup>.

Therefore, it is possible to conclude that, taking into consideration also the economical problems Portugal is currently facing, the State, through its various representations, such as the CIG, the police, the legislative system, is quite proactive in fighting the problem of violence on women in the country, which takes place for the most part in the domestic context, as we have seen.

Furthermore, it is of the uttermost importance to underline that for Portugal, there is not the same lack of data about the problem in analysis as we have seen there is for Italy, which does not collect yet data on violence on women on a regularly basis.

As previously mentioned, this is probably due to an early awareness of the problem of domestic violence in the country (and of the consequent violations of the women's rights), which has been followed by a political will in acknowledging this reality and implementing measures to contrast the problem, as well as collecting data and carry out analysis (such as the ones I have shown), to know the situation in order to successfully cope with it.

The success of the Portuguese laws to fight domestic violence is confirmed also from WAVE, which affirms that in 2011 there had been 2.678 cases of domestic violence between partners brought to Court and 1.320 convictions<sup>266</sup>.

WAVE also, by citing data from the *Associação de mulheres contra a Violência (AMCV)*<sup>267</sup>, highlights other positive elements concerning the correct implementation of the laws: women victims of violence in Portugal, that have none or limited financial means, can access the Courts, thanks to the law envisaging free legal advice for them.

The other reason is a high percentage of cases where the perpetrator is held accountable, given that in the first 4 months of 2011 82% of the criminal convictions was of one to three years and 13 % of cases was more than 3 years (in both the two cases the

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265 Relatório, 2013, p. 60.

266 WAVE, 2013, p. 218.

267 *Women's association against violence*, an NGO working for the respect of women's rights and the fight against violence.

convictions were suspended), whereas in 6% the aggressor was jailed<sup>268</sup>.

For as much as there is plenty of awareness and activism in Portugal on violence on women and particularly on domestic violence, the crime of stalking is instead still of scarce interest. This leads to a lack of official data about it, as well as of a specific legislation.

According to Portuguese legislation therefore, it is not possible to accuse somebody of stalking, but it is possible to punish the conducts under other crimes envisaged in the Penal Code, such as offence to physical integrity(Art. 143), threat (Art. 153), coercion (Art. 154), violation of residence or of one's privacy (Art. 190).

According to the Penal Code, the person accused of more than one of these crimes must be punished for all of them<sup>269</sup>.

Lima da Luz in his dissertation, where he makes a proposal for a stalking law in Portugal, argues that, although the crime can be punished under the above articles, it is now Portuguese State's duty to enact a law on stalking, given also the fact that Portugal has already ratified the CoE's Istanbul Convention<sup>270</sup>.

Another reason emphasised by the author to legislate on stalking, is the need to ***give to the victims an adequate way to defend themselves***, which can be guaranteed only under a comprehensive law<sup>271</sup>, that is, the same reason for which in Italy there is a need for a law on domestic violence.

One of the first study available on stalking in the country, *Stalking in Portugal: Prevalence, Impact and Intervention*, was conducted by Matos et al. in 2010-2011.

In a sample of 1.210 people of both sexes above the age of 16, of which 52.9% was female, they found that 19.5% was victim of stalking, with strongest majority of stalkers being males and victims females<sup>272</sup>.

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268 Ibidem.

269 Lima Da Luz, 2012, p. 25.

270 Thus, under Art. 8 of Portuguese Constitution, the Portuguese State is now legally bound by it.

271 Lima Da Luz, 2012, p. 44.

272 Matos et al, 2013, pp. 10-11.

The researchers also reported that the stalkers were mainly friends or relatives, with intimate partner following that group. Relevant is the percentage of people that did not report the stalking behaviour, 60% of the victims<sup>273</sup>.

In an article published this year, some of the researchers involved in the first study analyse the situation in Portugal for stalking after relationship breakdown, both in the case where there was violence during the relationship than in the case when there was not<sup>274</sup>, thus providing a thorough analysis of the stalking experience within intimate relationships.

Starting with giving their own definition of stalking as being: “*a pattern of persistent harassment behaviours that can be materialised in several types of communicating to, contacting, chasing and monitoring a person*”<sup>275</sup>, Matos and Ferreira found that nearly 72% of the women interviewed regarded their former relationships as negative or extremely negative<sup>276</sup>.

The strongest majority of the women involved in the research were victimised already during the relationship, in fact only 15% of them declared not having experienced IPV in the former liaison with whom later became her stalker.

Especially for the women of the first group, with a history of partner abuse, stalking lasted for longer time and majority of them were not keen to tolerate the stalking behaviour, i.e. regarded it as a crime or at least as something very serious<sup>277</sup>.

Hence, the research drew attention to the fact that women whose stalking is stemming from IPV are considerably more likely to be negatively affected by it<sup>278</sup>.

This, in turn, confirms the need to strengthen and improve the application of the law on domestic violence that would reduce also stalking stemming from IPV, as well as the importance of taking into consideration this important aspect of violence on women also in Portugal, actualising measures to cope with this criminal behaviour, in order to help

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273 Ibidem.

274 Ferreira & Matos, 2013, p. 393.

275 Ibidem.

276 Ferreira & Matos, 2013, p. 397.

277 Ibidem.

278 Ferreira & Matos, 2013, p. 398.

women acknowledge it as such and consequently helping them seek help<sup>279</sup>.

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279 Ferreira & Matos, 2013, p. 401.

## *Conclusions*

Eradicating violence on women is at the core of achieving gender equality between women and men, which is among the 8 *Millennium Development Goals* (MDGs) endorsed and agreed upon in 2000 by leaders of all the U.N.'s countries<sup>280</sup>.

Furthermore, eliminate gender-based violence, hence accomplishing gender equality is believed to be central in pursuance of all the other 7 goals<sup>281</sup>.

As a matter of fact, the achievement of gender equality, throughout the elimination of IPV (thus also of stalking, focus of this analysis), is bound up with, willy-nilly, the elimination of extreme poverty and hunger, the access to education, the reduction of child mortality, the betterment of maternal health and the fight against HIV<sup>282</sup>.

All of these issues, that still so much plague our world today, are entrapped into a vicious circle, with IPV being at the two extremes of it, being at the same time a cause and a consequence as well.

Johnson et al argue as even the other two MDGs, that is, ensure environmental sustainability (which will reduce conflicts, where women are at high risk of violence) and develop a global partnership for development, where women must be included, are closely connected to the mainstream goal of gender-equality<sup>283</sup>.

It follows that, if we really want to realise the MGDs, we need to tackle IPV from its roots.

As we have seen throughout my analysis, we are still extremely far from reaching this goal in most parts of the world, which leads to the fact that the odds against reaching the goal of gender-equality (and consequently the other ones) by 2015 are extremely high.

Nevertheless, I want to be hopeful and optimistic and believe that, if not by 2015, we will one day gain this fundamental objective.

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280 Johnson et al., 2008, pp. 9-10.

281 Ibidem.

282 Ibidem.

283 Ibidem.

To this regard, focusing now on the European situation to which Italy and Portugal belong to, an important step forward has been made recently by the *European Court of Human rights* (ECtHR).

In a recent judgement<sup>284</sup> from the Chamber, where the applicant complained that the Moldovan authorities failed to protect herself and her daughters from her husband's violent behaviour, whom was a police officer himself, the Court acknowledged that the State had violated Art. 3 (Prohibition of inhuman and degrading treatment) of the *European Convention of Human Rights* (ECHR), as well as Art. 8 (Right to respect for private and family life) and Art.14 (Prohibition of discrimination), because it failed to protect the woman and her daughters from the recurrence of domestic violence<sup>285</sup>.

Although the judgement is not yet final<sup>286</sup>, the Court firmly established that the State is held responsible for stopping the violence and protecting the women, otherwise would find itself in breach of the women's human rights.

In case the judgement will become final, given Art. 46/1 of the ECHR, the State involved shall abide by the final judgement of the Court and redress the applicant for the violation of her rights.

Therefore, the Court re-affirmed that not preventing the violence from happening or stopping it is a violation of the rights of women, which of course is not only valid for the country involved in this case, Moldova, but is a principle that can be generalised to all the States parties to the ECHR.

Another step forward that has been made in Europe to guarantee the rights of women by eliminating violence on them, as we have seen, is the Istanbul Convention, which set

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284 *Eremia and Others v the Republic of Moldova*, (ECtHR, 2013).

285 Ibidem.

286 “Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day”.  
Ibidem.

new standards at European level on the tutelage that must be accorded to women and the means to achieve their full empowerment as well as the objective of no more violence within the European continent.

Thus, given that Italy has recently ratified the Convention, in order for this ratification to become effective and do not remain unaccomplished, Italy must now adequate its legislation to the new principles and requirements set by the Convention, among which the enactment of a law on domestic violence is of paramount importance.

For as much as the ratification was a relatively rapid process, given how much the bureaucratic machine is slow in Italy (the Convention was indeed ratified in a time span of 9 months after the signatory), at the same the adjustment of the Italian legislation to the new parameters should follow this example.

The model designated by the Portuguese law, which, as we have seen, has contributed to a decrease of domestic violence in the country in the last decade, seems to me the one that Italy should follow.

Particularly, as it is envisaged in the Portuguese law, a focus must be placed, when enacting the new law in Italy, on a *culture of respect among men and women*, aimed at eliminating the gender-biased stereotypes still present in the country.

This of course passes through education. Some experiments have already been made in schools to educate to gender, but a revision of the school programmes is needed in order to eliminate concepts that lead to the development of stereotypes<sup>287</sup>.

*I envision this as the main point from which to start in order to gain an improvement of the women's situation in the country.*

*The rehabilitation of the aggressor* is another point upon which place particular attention in the Italian law on domestic violence.

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287 Il Fatto Quotidiano, 12 June 2013, available at <http://www.ilfattoquotidiano.it/2013/06/12/educazione-al-genere-mappa-delle-buone-pratiche-nelle-scuole-italiane/619814/>, consulted on 10 July 2013.



Given that in the stalking law this decisive component has been omitted, the new law should place it at its core, because only by working on the aggressor we can effectively eliminate the violence, as well as the drawbacks for the women.

*Strengthening the protection of the victims*, as well as *their rehabilitation*, is of the uttermost importance. Including this in the law and invert the trend that has been followed in the last years, by ameliorating the situation of the shelters in Italy and assuring no Government budget's cuts to the few anti-violence centres<sup>288</sup> that contrast the problem of violence, is the ultimate goal for the women's well being and enjoyment of human rights.

This, in turn, raises the problem of financial resources needed to implement this measure and, to a wider extent, all the ones contained in such a law.

This controversial issue has already been raised in the country, which has a huge public debt and an unstable political situation.

The only possible solution I can envisage to this problem is that the Italian State should foster the growth of the CSOs by removing taxes from private citizens that want to donate money to CSO's meaningful work.

Together with the enactment of the law, the Italian State must ensure an active *monitoring of the situation of violence on women in the country*, that as we have seen is one of the most serious dearths currently ongoing.

By taking into consideration the weaknesses of the Italian stalking law I brought forward (which alone cannot contrast violence on women in the country), the measures I have shown are among the key factors I believe in need of a particular attention during the process of enactment of the law on domestic violence, as well as in its subsequent implementation.

To my mind, these are indeed the strengths of the Portuguese law on domestic violence,

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<sup>288</sup> The number of centres, as we have seen the one of shelter's places, must be increased.

that I long to see applied in my country as well, in pursuance of a betterment of women's conditions.

However, the enactment itself of a law on domestic violence seems to me to be hindered by a cultural climate not thoroughly ready for it, for various reasons.

First of all, as I have demonstrated in the chapter on the media, women in Italy are still pigeonholed according to stereotypes centuries old.

The press still defines a *femicide* as a *passion's crime*. Women are too often still blamed for the violence they are subjected to, in a subtle or in a clear way, not only on the media but within the society itself (which push them to endure the violence, instead than refuse it and denounce it).

As the WHO put it: *“In the case of non-partner sexual violence, women are blamed for deviating from accepted social roles, for being in the wrong place, or for wearing the wrong clothes. In the case of partner violence, women are blamed for talking to another man, refusing sexual intercourse, not asking permission from their partner (e.g., for going out, visiting their family), or for not conforming to their role as wives/partners in some other way”*<sup>289</sup>.

This is something still occurring in Italy, even though to different degrees within the country, as much as it is still happening in many other countries of the world.

The media in Italy foster and increment these ideas, contributing to a society that goes backward instead than forward.

It follows that, if the society is not ready, the political will to legislate, to get involved in the matter, might be completely absent.

The recent debates on the creation of a “task-force” on femicides make me think that, for domestic violence as it was for stalking, there is a high risk of legislating on

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<sup>289</sup> WHO, 2013, p. 31.

“emergencies” instead than by acknowledging a real, endemic, social problem.

Without recognising the cultural stereotypes and factors that lead to violence, such as the culture of silence and the lack of trust in the institutions, no law can be really effective.

Thus, I reckon *the lack of political will and a more thorough awareness of the problem of violence on women are the key issues* upon which begin to work to build a better and more equal Italian society.

These factors are connected, in my view, to the very peculiar Italian mentality.

They are what leads Italy, much more than any other European country I might think about, to do not undertake any action at all.

At best, only at the very last moment, or by following this distorted “emergency” feeling.

It is the same attitude that leads to European Union (EU)'s recommendations or directives being left unheard.

Given that this sentiment has already been described by Dante in the *Divina Commedia*<sup>290</sup> as early as in 1300, this is probably the key issue from which everything else stems and perhaps the toughest to modify.

All these, in turn, might only be changed by education, which, as I previously affirmed, I see as the first point from which to start building effective gender-equality in Italy (and not only) and putting an end to domestic violence on women.

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<sup>290</sup> *Ignavia* and *accidia* in Italian, in English *inactivity* and *indolence*.

## *List of acronyms*

AMCV	<i>Associação de mulheres contra a Violência</i>
APAV	<i>Associação Portuguesa de Apoio à vítima</i>
BWS	<i>Battered wife syndrome</i>
CEDAW Women	<i>Convention on the Elimination of all Forms of Discrimination against Women</i>
CIG	<i>Comissão para a Cidadania e a Igualdade de Género</i>
CoE	<i>Council of Europe</i>
CSO	<i>Civil society organisations</i>
ECHR	<i>European Convention of Human Rights</i>
ECtHR	<i>European Court of Human rights</i>
EU	<i>European Union</i>
FGM/C	<i>Female genital mutilation/cutting</i>
GNR	<i>Guarda Nacional Republicana</i>
HCHR	<i>High Commission of Human Rights</i>
HIV/AIDS syndrome	<i>Human immunodeficiency virus infection/Acquired immunodeficiency syndrome</i>
IPV	<i>Intimate partner violence</i>
ISTAT	<i>Istituto Nazionale di Statistica</i>
Istanbul Convention	<i>CoE's Convention on Preventing and Combating violence against women and domestic violence</i>
MDGs	<i>Millennium Development Goals</i>
MPs	<i>Member of Parliament</i>

NGO	<i>Non-governmental Organisation</i>
OMA	<i>Observatório de mulheres Assassinadas</i>
ONS	<i>Osservatorio Nazionale Stalking</i>
OP	<i>Optional Protocol</i>
PO	<i>Protection order</i>
PSP	<i>Polícia de Segurança Pública</i>
PTSD	<i>Post-traumatic stress disorder</i>
RASI	<i>Relatório Anual de Segurança Interna</i>
RO	<i>Restraining order</i>
TRS	<i>Traumatic Re-enactment Syndrome</i>
UK	<i>United Kingdom</i>
UMAR	<i>União de mulheres alternativa e resposta</i>
UN	<i>United Nations</i>
UNAM	<i>Universidad Autonoma de Mexico</i>
UN GA	<i>United Nations General Assembly</i>
UN ODC	<i>United Nations Office on Drugs and Crime</i>
UNPF	<i>United Nations Population Fund</i>
UN WOMEN	<i>United Nations Entity for Gender Equality and the Empowerment of Women</i>
US	<i>United States</i>
WAVE	<i>Women Against Violence Europe</i>
WHO	<i>World Health Organization</i>

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