

GENDER-BASED VIOLENCE BETWEEN NATIONAL AND SUPRANATIONAL RESPONSES



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THE WAY FORWARD

edited by

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INTRODUCTION

Marilisa D'Amico, Costanza Nardocci

On December 6th, 2019, the University of Milan hosted the International Conference on violence against women: “Gender-Based Violence between National & Supranational Responses: the Way Forward”.

The concept and the *ratio* behind the conference were to bring together scholars with extensive and diverse academic experiences and research perspectives to foster a collective dialogue on one of the main issues in the context of the contemporary discourse on women’s human rights in the national and supranational dimension.

The papers collected in this book are the result of that conference.

The book aims to add another piece to the worldwide academic reflection on violence against women and girls, moving from its deep-rooted and not yet eradicated causes, its prominent features to the current normative and judicial strategies to prevent and contrast the phenomenon.

The conference anticipated the 2020 and first GREVIO’s Report on Italy’s compliance with the obligations set forth under the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (so-called Istanbul Convention) and laid bare the major challenges faced by national States in tackling gender-based violence and domestic violence.

The volume touches upon a variety of topics.

It ranges from the domestic and supranational investigation into States’ responses to violence against women in the perspective of national and international Courts, to the challenges brought up by cultural rights, the *status* of minority women when facing the western conception of violence against women, to the invaluable contribution of the philosophical analysis.

Moreover, the book features a multilevel and multidisciplinary approach to the study of violence against women and domestic violence, without limiting its ambit of investigation to the European scenario.

The analysis of the Italian case interlaces with the overview of the most recent European Court of Human Rights' case-law on violence against women and domestic violence, from the different angles of its sensitivity and willingness to take on the novelties introduced by the Istanbul Convention and of its effectiveness in shaping its reasoning to the benefit of the victims of gender-based violence.

The Council of Europe's responses to violence against women, through the Istanbul Convention and the European Court of Human Rights' case-law, are nonetheless the exclusive point of reference of the discussion featuring the analysis.

The book also includes a reflection on the role of the Inter-American system of fundamental rights protection by way of the activity of its Court over the last years, whose case-law in the field of violence against women and domestic violence, in particular, proved to possess a strong resonance and to perform as a key reference in the overall conversation on violence against women and gender-based discrimination.

The analysis goes on examining the comparative experience offered by the Tunisian and Polish realities, whose insights reveal the importance of mutual exchanges among States' strategies to tackle gender-based violence, including hate speech based on gender and sexual orientation.

The importance of the language, interpreted as an additional manifestation of violence and as a reinforcement of the victimization of women before and after having been subjected to violent conducts, is, in fact, another facet, that deserves an adequate academic reflection to foster a comprehensive understanding of the phenomenon under investigation.

Not surprisingly, academia is gradually embarking on new studies devoted to the impact of language, be it expressed orally or in writing through the media – mainstream and online –, on gender-based violence and women's human rights more broadly.

At the outset, the book wishes to contribute to the ongoing talk on violence against women and girls and domestic violence and to boost the discussion on the need to read the phenomenon through gender lenses to reinforce domestic and supranational responses.

Going beyond the neutral approach of the Istanbul Convention,

the book lastly wishes to favor an understanding of violence against women and girls that does not neglect, but, rather, highlights its intersectional features and gives proper resonance to the significance of women's empowerment.

The hope, therefore, is for the endorsement of a concept of violence against women, which benefits from the theory of intersectionality, to shape legal strategies accordingly to the multifaceted reality of each woman victim of violence, following up on the Cedaw General Recommendation No. 28 and on the guidance of the Inter-American system's experience.