# Laws and policies to contrast and prevent Gender-Based Violence Against Women

A comparative analysis between Spain and Italy (1993-2015)

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# Table of acronyms

| | |
|---|---|
| **CoE** | Council of Europe |
| **Council of the EU** | Council of the European Union |
| **DEVAW** | Declaration on the Elimination of Violence Against Women |
| **EC** | European Commission |
| **EP** | European Parliament |
| **ESC** | Economic and Social Council (UN) |
| **EU** | European Union |
| | |
| **GA** | General Assembly |
| **GBVAW** | Gender-Based Violence Against Women |
| **GR** | Government Responsiveness |
| **GV** | Gender Violence |
| **HRC** | Human Rights Council |
| **MDGs** | Millennium Development Goals |
| **MEP(s)** | Member(s) of the European Parliament |
| **MS(s)** | Member State(s) |
| **MVAW** | Male Violence Against Women |
| **SDGs** | Sustainable Development Goals |
| **UN** | United Nations |
| **UNE** | United Nations Entity for Gender Equality |
| **VAW** | Violence Against Women |
| **VTW** | Violence Towards Women |

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# Foreword

Violence against women is not a new phenomenon in human history but it has gained scientific recognition in the last three decades (for example, the journal *Violence against Women* was established in 1995). The interest of sociological research has increased along with the growing intolerance of the general public toward any form of violence; but above all, it has grown due to the affirmation of women's rights. Violence against women is now a central issue on the agenda of global women's movements, and is part of a powerful discourse that, over the past three decades, has shifted from the cognitive framework of women's dignity to that of human rights. With its burden of injustice and pain, the concept of violence intersects inquiry into further social issues: family structure, child abuse, increased policy effectiveness, women's empowerment, gendered roles, and many others. This crossroads of questions about society, policy-making, and inequality challenge sociological research.

Today, violence against women is a central issue on the agenda of women's movements. Beginning with the 1993 Vienna Declaration on Human Rights and, two years later, the 1995 Beijing Conference, a new definition has emerged as part of a comprehensive narrative that holds together diverse actions (such as, for example, stalking, psychological manipulation, and femicide) that summarizes in a single category certain underlying themes: the critique of male domination, the demand for equality, the protection of victims, and the mobilization for a more just and equitable society. This set of categories is a strong program which also works as an interpretive paradigm of contemporary societies. The collective actors of the program are international and regional organizations, women's and feminist movements, and national governments, which can plan, fund, or hinder policy actions aimed at raising awareness, preventing violence, and protecting the victims.

Stellamarina Donato's book fits into this context. In particular, using a multi-method and comparative approach, the book focuses on the development of policy-making in Spain and Italy from 1993 to 2015. In the academic literature on welfare policies, these two countries are often placed in the single category of "Southern European countries." Instead, the book shows clearly why and how they differ significantly in terms of women's movement action and government responsiveness on violence.

An original feature of this book is the analysis of the "soft power" of international and regional policies on national territories. As the author writes, "language is a powerful tool [...] but it is also a place of struggle." A central part of the book is devoted to the investigation of the language of policy-making, the

different theoretical frames and the practical consequences of using concept-driven terms such as gender-based violence, violence against women or male violence against women as a reference for policies. The author collects and analyzes the most relevant policy documents of the United Nations Organization, the Council of Europe, and the European Union on violence against women, showing that they greatly influence the responsiveness of national governments.

Today, violence against women is a category for reading and evaluating contemporary societies, which was unprecedented and concerned behaviors previously placed in the sphere of private actions. Policies to prevent and combat violence are the result of processes of change, involving power relations, gender behaviors and sexuality. These are slow processes by their nature because they involve a profound culture shift. Sociology and policy studies highlight how, since the 1970s, the actors in the culture shift have been feminist and women's movements that have identified violence as one of the most important issues of aggregation and identity and have become the main stakeholders urging action on policy making. But despite the growing international consensus around the nature of violence against women and its social cost, important differences remain in the policies put in place at the national level, and the speed of change is extremely different from country to country. Consequently, cross-national comparisons are useful because they illuminate actions that are taking place in one context but do not occur in the other, and they provide us with a better understanding of obstacles and facilitators toward the cultural shift which is embedded in policy change. This book is an extremely valuable tool in clarifying the broader context and multiple actors at play in violence prevention at the international, regional and national levels and it displays a methodology and theoretical elaboration which can be used for other comparative case-studies.

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# Introduction

The will to understand the lacks and flaws in the international debates and national government responsiveness on ways to counter Gender-Based Violence Against Women (GBVAW) is the question that has mostly influenced this book's research project in its aims and scope. The book is the result of my doctoral dissertation and years of research spent on uncovering policy changes and narratives when debating GBVAW. This research started at the end of 2018 when I won my doctoral fellowship at the LUMSA University in Rome and began to approach the phenomenon. I was firstly fascinated by the idea that, like many concepts in social sciences, violence is an extremely contested notion and idea; violence perpetrated against women is no exception. During the years that have led to this book, I had the chance to share ideas about concepts, definitions, policies, and best practices on the issue. I hope this book will serve the aim of informing people and scholars who want to read the main documents, laws, and policies on GBVAW, understand the best practices, and foresee any new practices to counter GBVAW occurrences.

The fight against violence toward women and gender violence is an increasingly studied and publicly debated social issue. Nevertheless, framing women's rights as human rights remains a fragile terrain globally. The 1995 Beijing declarations, for example, are constantly subjected to a multitude of ongoing political scenarios at all levels, international, regional, and national. More recent international documents and policies have attempted to bridge the gap between the demands of civil society and the understanding of governments and policymakers. However, the responses have varied based on the specific regions of the world, along with the rooted social and cultural aspects of the single countries.

During the years of this research, I have concluded that individuals must have the courage to disrupt an order that does not define – and does not satisfy, at least not anymore – the claims of reality and contemporaneity. Especially after reading the documents individually and conducting the interviews, I realized that the underlying problem of the continued lack of adequate measures to counter GBVAW is the lack of awareness by policymakers of the actual situation of women suffering different forms of violence. This lack of awareness results in either the absence of, or the mistranslation of, declarations of intent and international documents into laws, policy practices, and measures that give women a voice, as its most direct and dramatic consequence.

Even if the experience of laws and policies capable of eliminating and preventing any form of violence against women differs in the various region of the world,

the language and, more precisely, the polysemy of words that link violence as an act – and series of acts – to the plural subject of women need to be analyzed in their complexity: in the dialogue between institutions, organizations, movements, and individuals, so as to be able to give timely and shared responses that eradicate a cultural practice from our lives and societies.

Taking into consideration the gravity of the issue, Gender-Based Violence Against Women stands as a critical and contemporary problem deeply entrenched in the cultural mindset and historical context of societies worldwide. By studying this phenomenon and aiming to awaken the conscience of individuals and societies alike, we embark upon a journey that seeks to comprehend why it is presented and perceived in a certain manner rather than another. However, it is important to recognize that this is merely the initial step towards enacting explicit laws and policies that comprehensively safeguard against all forms of violence. It also paves the way for the establishment of a comprehensive European and international legal framework, which unequivocally addresses GBVAW without permitting any exceptions or withdrawal clauses, as observed in certain EU Member States. Above all, it serves as a poignant reminder that women's rights and their entitlement to exist in a world free from violence are fundamental human rights that must never be silenced or disregarded again.

The general objective of this book is to understand how the international and regional documents on GBVAW, and the language and terminology used in the evolution of its global narratives, have influenced the promotion and development of national laws and policies from 1993 to 2015. The research gives special attention to a comparative analysis between Spain and Italy. Spain and Italy are both southern European countries that are part of the traditional model, where men are the primary breadwinners, and women provide secondary income and take care of household duties (Ferrera, 1996, 2005; Barbieri et al., 2015). In terms of gender development and inequality, Spain and Italy rank 25th and 29th, respectively, out of 62 nations with "extremely high human development," according to the Gender Development Index and Gender Inequality Index. However, they are ranked 6th and 14th, respectively, in the 2023 EIGE Gender Equality Index. These countries are often considered similar because of their social and public policy choices (Montoya, 2013). However, they differ significantly in terms of their government responsiveness and ability to address Gender-Based Violence Against Women (Htun & Weldon, 2012). The main focus of this book is to describe and analyze the situation within the territories of Italy and Spain and then compare their experiences and approaches to addressing GBVAW from 1993 to 2015. As a constant thread, so as to propose a comprehensive exploration of the phenomenon, the investigation also considers the reaction and influence of civil society in fighting and preventing GBVAW, with in-depth interviews serving this aim.

Starting with the UN Resolution 48/104 of 1993, the book carefully reconstructs and qualitatively analyzes the documents of the United Nations, the Council of Europe, and the European Union, which have marked policies to prevent and eliminate GBVAW. This creates a fundamental initial overview that leads to understanding the diversity between reactions, laws, and public policies in the two case studies. Within the final objective, this book, thanks to the tools of comparative analysis, interviews, and process tracing, furthers the understanding of the main characteristics that have generated changes among laws and policies on GBVAW in Spain and Italy, within and beyond their differences and similarities.

Chapter I introduces the aims and research questions of this book. Then it draws on the role of international bodies and governments in dealing with GBVAW in literature, presents the primary definition used in the book, and finally outlines the theoretical framework.

Chapter II previews the structure of the book and gives particular attention to the methodology and single methods chosen to answer the research questions. It provides detailed information on the choices behind methodology and methods, as well as the limitations and biases that the research might have encountered.

Chapter III presents the evolution of the main UN, CoE, and EU documents on the issue, focusing on the reference categories and approaches chosen by the different international bodies and organizations from 1993 to 2015. Finally, the chapter shows the importance of framing specific social issues and argues that the way the phenomenon has been framed has either hampered, fostered, or had no effect in creating policy measures. This is developed and discussed in detail in Chapter IV, when the book deals with the comparison between the cases of Italy and Spain.

Chapter IV chronologically shows the development of the laws and policies on GBVAW as adopted in Italy and Spain by using the tools of process tracing (Collier, 2011).

Chapter V, before the conclusions, compares the two cases, using interviews with targeted individuals and the visual representation of policy evolution that allows for the comparison between the two countries of the Northern Mediterranean shore.

The results show that language is a powerful tool to change laws and policies on GBVAW and the reality of societies behind it, but it is also a place of struggle. Furthermore, they elucidate how explicit legislation is critical in establishing rights for women and that collectives, organizations, movements, and other social groups frame countries' historical paths, being a push to some countries and a fundamental supporting tool for others. Finally, social norms, legal aspects, and policy formulations change owing to the dialogue between the

civil society and institutional level. Moreover, while highlighting the differences and similarities between the two countries, this book's comparative study points out that both transnational advocacy and organizations are crucial players in fostering changes in the level of government responsiveness to GBVAW.

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