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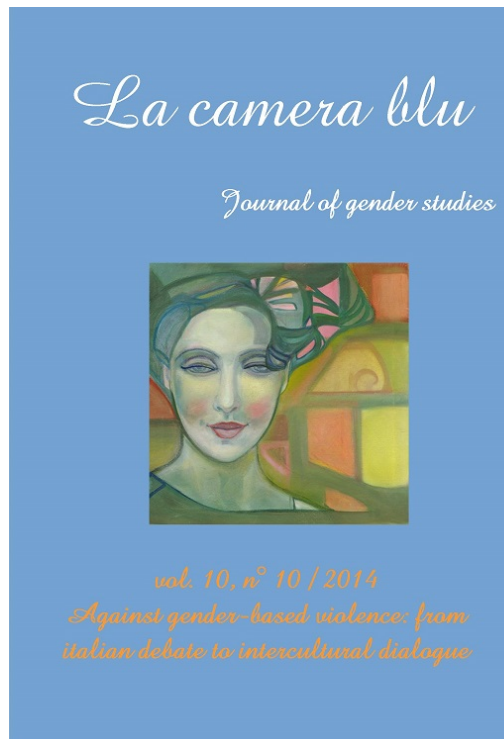
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### N° 10 (2014)

#### AGAINST GENDER-BASED VIOLENCE: FROM ITALIAN DEBATE TO INTERCULTURAL DIALOGUE

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## N° 10 (2014)

## AGAINST GENDER-BASED VIOLENCE: FROM ITALIAN DEBATE TO INTERCULTURAL DIALOGUE

Editors: Ines Testoni, Adriano Zamperini, Gabriela Moita and Mihaela Dana Bucuță

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Paola Degani

*Gender security between human development and human security.  
Recent issues in the political international agenda*

*Abstract*

Issues regarding security, for a long time have been proposed, both in the scientific literature, that in the writings of popular character, without taking into due consideration the specificity of the effects that certain threats can cause the different subjectivity or on specific groups rather than on other. In particular, very rarely takes into account the fact that, in relation to the condition of women, we can talk, referring to certain areas or aspects of the problem, think of the problem of violence, of a real security crisis. The safety cultures sedimentation processes of socialization through everyday practices, can be considered an integral part of the internal structures of states. The issues relating to the in / security for women are on the agenda institutional, only a few years, do not fall within the traditional framework of interventions aimed at regulating sector profiles of women, in line with a vision of the subject recipient of this policy individual as "neutral." These are issues that today are also of inter-governmental organizations, in particular the United Nations, a central political role with respect to the adoption of policies related to the affirmation, respect and the effectiveness of human rights and at the same time enrich and innovate in order substantial guidelines and decision-making processes in the field of security.

*Keywords:* public policies, status of women, gender security, human rights, the international community.

*Gender security: a human security point of view*

For quite a long time now, both the scientific literature and more popular works, have tended to discuss security issues without adequate attention to the ways in which specific kinds of threats may affect certain individual psychologies or certain groups differently from others. Rarely did one consider that in the case of the status of women, it is possible to speak of a true *security crisis* in various areas or sectors of the issue. Numerous sources, both inter- and non-governmental, denounce that fact. Taking on

consistency in socialization processes through daily practices, the cultures of security may be considered an integral part of States' internal structures. Evoking the idea of a learned behaviour, the very concept of *security culture*, implies the way in which such ideas are selected over time, transmitted, re-proposed and modified in policy-making processes (Rosa, 2010).

Themes touching on women's in/security have appeared in institutional and political agendas for only a few years; they are not included in the traditional framework of intervention aiming to regulate the different aspects of the woman's condition, thus reflecting the vision of the beneficiary of this policy area as a *neutral* individual. Issues classified today, in the political debate, under the heading *gender security* have crucial political relevance for the development of public policies directed at the recognition, respect and effectiveness of human rights. Indeed, they substantially enrich and innovate orientation and decision-making processes in the area of security. The very concept of *human security*, advanced by the United Nations Development Program (UNDP) in 1994 in the 5<sup>th</sup> Human Development Report (UNDP, 1994), has undergone substantial review from a gender perspective. As it is well-known, in its first systematic discussion on security, UNPD did not dedicate any specific attention to women<sup>1</sup>, but did define a series of security areas, such as the economic, food, health, environmental, personal, political and community spheres, as important in shaping a hypothetical security paradigm based on the centrality of the person, rather than on the pre-eminent scope and importance of defending a country as a territorial entity: a sovereign one, armed, and defined by borders. The concept of human security takes its shape from the human being: the vital core that is to be protected. It's an idea of security deliberately protective.

This orientation not only follows the pathway traced by the United Nations Charter, the developing international human rights law and the international machinery connected to it (Newman & Richard, 2002); it also tends to foster the development and implementation of policies which, with particular attention to women's condition, are devoted to meet the target of gender equality. Gender equality then helps to decrease and combat poverty among women, create development processes sensitive to women's needs, favour peace, and foster respect for human rights.

In its original formulation, "human security" presents four main characteristics: the *universality* of threats, both in type and territorial extension (unemployment, poverty, drugs, crime, terrorism, environmental pollution, human rights violations); *interdependence* among its different components; *prevention* as crucial tool in achieving

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<sup>1</sup> The concept of human security first received widespread attention in 1994 when it appeared in the United Nation Development Program (UNDP) Human Development Report (HDR). The 1994 Human Development Report defined human security as people's "safety from chronic threats and protection from sudden hurtful disruptions in the patterns of daily life." Seven types of security were listed as components of human security: economic security; food security; health security; environmental security; personal (physical) security; community security; and political security.

goals; *centrality of the person* in satisfying the fundamental needs/rights. In other words, the power of the human security concept is absolutely and clearly evident when it is contrasted with the traditional concept of national security. In the human security approach, it is the welfare of human beings around the world that is the object of concern rather than the military and strategic interests of a particular state. The defence of human life is more important than the defence of States, and personal integrity is as important as territorial integrity.

From a gender perspective, the policy areas involved in the concept of *human security* are particularly complex, given the specific nature of certain risks affecting the status of woman, and the total neglect of women's needs by the traditional model of security, still understood under the prism of political realism and its most relevant variant, neorealism. This prevents the concept of "gender security" from fully realising its full potential, both on an analytical level and on the level of policy legacy, in relation to possible alternatives in terms of *policy change* based on the chance to break with institutionalized practices of the past.

Gender dualism (the division between male and female) is firstly characterised by hierarchies rooted, to various degrees of depth, in the various social and cultural contexts. The issue of women's equality reflects this complexity, since the discrimination still affecting women makes them more vulnerable to living conditions incompatible with the very idea of "human security."

Feminist movements have been unable to structure a discourse capable of including the gender dimension within the framework of the security analysis carried out under the realism paradigm. However, with the 1990s, and with clearer reflection on a more person-oriented security, it became easier to think about states of insecurity taking into account distinctions which traditional conceptual instruments had failed to reveal.

With the great number of humanitarian emergencies arising from the spread of ethnic, religious and national conflicts, and from the atrocities afflicting the civil populations and the numerous social tragedies threatening the capacity of millions of individuals to reproduce and sustain themselves, it has become clear that the respect of men and women's rights has to be crucial to the political agenda in the community of nations.

The 1990s were fundamental both in the process of multiplication and progressive definition of rights, and in promoting and protecting human rights, particularly women's rights. One only need to recall the instruments adopted during that decade –both binding and non-binding– concerning violence against women. They were adopted thanks to the role played by segments of the civil society through lobbying activities, especially in the context of international meetings: the Vienna World Conference on Human Rights (1993), the Cairo Conference on Population and Development (1994), the Copenhagen

Conference on Social Development (1995), and the Beijing Conference on Women in 1995<sup>2</sup>.

The strengthening of women's participation in discussions within the civil society, however, seems unable to radically influence the dynamics of inequality in the social construction of public space or to increase the attention to the private dimension of gender relations.

Numerous emergencies, however, have recently created the right conditions for developing greater awareness concerning the insecurity of women. Such emergencies include the recent and on-going economic recession, even in European countries; changes affecting labour relations; female migration, in its different expressions; the trafficking of young women for sexual exploitation and the proliferation of *sex business* on an industrial scale; the spread of ethnic conflicts; ideological and religious fundamentalisms; the advent of violence as a social reality transversally added to all the other peculiarities that might characterise women. Such situations of crisis during the last 20 years have brought about a radical change in the way of considering women's security: in times of war, the need to prohibit a series of conducts, now recognised by international criminal law as crimes against humanity or war crimes, has been formally acknowledged; in times of peace, the feminist concept of violence as well as its causes have been re-thought as problems where the public and the private dimensions intermesh and influence one another, both on the level of values and on a material level (Pickup, Williams & Sweetman, 2001).

The human security debate has been steadily enriched in recent years by proposals made by women at the international level. The possibility of creating a special dimension for *gender security* within the concept of *human security* has become more and more manifest.

The search for a modern, shared concept of *gender security* focusing on the needs of women and with them those of the communities they belong to, has encouraged a wholly new kind of discussion regarding the presence of women within those intergovernmental organizations, particularly the United Nations, considered as the most relevant political space in which to develop new dimensions of governance, with a view to global reform.

The discussion has coincided with a progressive tendency of the bodies belonging to the United Nations human rights machinery towards a concept of gender aimed at fully encapsulating the principle of non-discrimination on the ground of sex and at delivering policies directed to mainstreaming and women empowerment. At the same time, the trans-national political participation by women has intensified. Such participation presents an increasingly complex organizational dimension, and a growing pervasiveness at the practical level of political action. The growth in participation is a

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<sup>2</sup> A/CONF.157/23, World Conference on Human Rights, Vienna, June 14-25, 1993; A/CONF.171/13, United Nations International Conference on Population and Development, September 5-13, 1994, A/CONF.177/20/Rev.1, Fourth World Conference on Women, Beijing, September 4-15, 1995.

concrete indicator both of civil society's capacity for organizing on a transnational level, and of the need for justice expressed by women when opposing a whole series of nationalistic, war-mongering attitudes (Breines, Gierycz & Reardon, 1999).

*The human security debate within the international community institutions*

In order to include gender issues in discussions concerning security, it is necessary to consider the categories defined by UNDP in 1994, interpret them from the viewpoint of women, and expand them to embrace the human security dimensions which that first categorisation had not contemplated.

On the strictly politico-institutional level, it is possible to date distinct stages in the evolving notion of *human security* and, in the overall prospect, recall the first moment when a security concept strictly tied to the political realism paradigm underwent review and redefinition. That moment came in 1992, with the *Agenda for peace*<sup>3</sup> presented by the then Secretary General of the United Nations, Boutros Boutros-Ghali. In the early 1990s, in light of the growing world interdependence, this document offered an analysis of the changes occurring on the international geopolitical scenario and proposed a series of initiatives aimed at resolving conflicts. Also, it indicated guidelines sustaining the role of the United Nations in building and maintaining peace, in consonance with the principles set forth by the General Assembly that same year, focusing on relief activities in humanitarian emergencies<sup>4</sup>. Later, in 1995, the *Supplement to an Agenda for Peace* re-proposed the same goals mentioned in 1992; it also examined both the issue of using sanctions in light of emergencies linked to ethnic and nationalistic conflicts, and the issue of disarmament<sup>5</sup>. During those same years, while the search continued for new political instruments for peace and international security, new interest arose for other dimensions of human insecurity. That is, the real dimension of daily life started to be considered as the reality of referral when thinking about security, even when referring to standards established by international human rights law and to the universalistic value framework informing it.

In 1995, the *5th Human Development Report* published by the United Nations Development Program (UNDP, 1994) advanced a multidimensional concept of security bound to the vital needs of persons and communities as well as to the capacities of institutions formally responsible for guaranteeing it. In a context of growing influence of civil society organisations, the Report, proposed new forms of development and co-operation based on the human rights paradigm.

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<sup>3</sup> Report commissioned by the Secretary General at the conclusion of the extraordinary meeting of the Security Council on 31 January 1992, following the Declaration adopted during that same summit meeting, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, *An Agenda for Peace, Preventive diplomacy, peacemaking and peace-keeping*, UN doc. 147/277-S/24111, June 17, 1992.

<sup>4</sup> A/Res/46/182, December 19, 1991.

<sup>5</sup> A/50/60-S/1995/1, January 3, 1995/1, "Report by the Secretary General on work by the organization," Supplement to the *Agenda for Peace*.



In May 2003, as a follow-up of the proposal launched by the then Secretary General Kofi Annan during the 2000 UN Millennium Summit, the Commission on Human Security presented its final report, *Human Security No*<sup>6</sup>. The document called for a rethinking of the concept of “security” and stressed the need to devise comprehensive and integrated strategies in order to promote the management processes of global interdependency.

In essence, the report acknowledges the fact that in an interdependent, globalized world, security can only be “multidimensional”, encompassing human rights, “good governance” and defined by the freedom from want, the freedom from fear and the freedom of future generations to inherit an healthy natural environment. Human security, in short, means creating political, economic, environmental, and cultural systems that together give people the building block of survival, livelihood and dignity. That same year, the Millennium Declaration itself<sup>7</sup> defined a number of targets to be met by 2015, considered crucial to human and gender security in particular. They include the struggle against poverty and hunger, universal access to education, gender equality, the improvement of child and maternal health, the struggle against HIV/AIDS, malaria and other diseases, environmental sustainability, and the development of global partnership for development (UNIFEM, 2012).

Although efforts made in recent years demonstrate a mature level of awareness concerning the need to globally reconsider the social and political relations among various human communities, the complexity of issues embraced by the notion of *human security* is all too palpable. Indeed, one only need to recall the incapacity of the current model of development even to guarantee the survival of entire populations, to understand the urgent need to intervene in the increasingly intolerable situations where economic, social and cultural rights are violated.

Undeniably, the international community’s activities in support of the status of women proceed in a global context marked by the advancement of neo-liberal policies which seem to aggravate gender inequalities, rather than favour an improvement in women’s standard of living. Numerous voices today denounce an overall worsening of the woman’s condition, due to policies of deregulation and privatization. Precisely because of these tendencies’ direct effects and the mechanisms they have triggered, especially on the socio-economic level (only think of the growing feminization of poverty), the commitment of international politics to the full implementation of human rights is of particular relevance.

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<sup>6</sup> The report can be fully downloaded from the Commission site, <http://www.humansecurity-chs.org>.

<sup>7</sup> Approved by heads of state and government leaders during the United Nations Millennium Summit, September 2000, General Assembly Resolution 55/2. United Nations Millennium Declaration.



*Towards a full incorporation of the gender perspective into security issues*

As regards *gender security*, the political awareness concerning violence against women sheds light on the urgent need to intervene on various levels. With reference to the conflicts of the 1990s, to traditional practices affecting women and to the consequences of poverty, unemployment and precarious living conditions, the need to discuss the issue of violence against women in terms of *security crisis* appears evident.

Indeed, the situations of discrimination, injustice, and subordination oppressing millions of women throughout the world testify that violence is a *universal and glocal problem*, despite the peculiarities marking the various geographical and social contexts.

The pervasive nature and the existence of many forms and manifestations of violence against women are so serious to justify the use, not only by feminist analysis but by official documents as well, of the term *femicide* (Spinelli, 2008). One example will suffice: the Report presented by the UN Secretary General to the General Assembly in July 2006<sup>8</sup>.

The issue of violence belongs to the historic patrimony of feminist debate. However, only in the last two decades has it come to prominence allowing, first, the collection of data and statistics on the phenomenon on an international level; and later, the understanding of gender violence as a human rights concern, and as such, to be considered in the framework of international legal obligations expressly accepted by States parties and in light of international law in general. In this sense, worth of note is the growing attention at the international level toward the drafting of comprehensive legislation as a tool for an effective and coordinated response to violence against women. States are more and more aware of the fact that they have clear duties under international law to enact, implement and monitor legislation addressing all forms of violence against women. Over the past two decades, many States have adopted or revised their national legislation on violence against women, but significant gaps remain. Many States still lack legislative provisions that specifically address violence against women. Even where legislation exists, it is often limited in scope and efficacy; even more frequently, it fails to be enforced and implemented. The adoption and enforcement of national laws addressing the issue of violence against women and girls, in line with international human rights standards, is one of the five key outcomes which the Secretary-General's campaign "UNiTE to End Violence against Women" aims to achieve in all countries by 2015<sup>9</sup>.

Violence against women can be viewed as a watershed between male and female insecurity. Certain factors combine to create a scenario of social subordination in which gender discriminations, a manifestation of violence itself, are systematically perpetrated. They include violations of women's economic, social and cultural rights, preventing

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<sup>8</sup> A/61/122/Add.1, July 6, 2006, "Secretary Report. In-depth study on all forms of violence against women".

<sup>9</sup> For further information regarding the Secretary General's campaign UNITE to End Violence against Women, <http://endviolence.un.org>.

their access to and control over the resources necessary for satisfying human needs; women under-representation in leadership positions and decision-making processes; failure to capitalise on women's potential in times of crisis as vital actors of change. Moreover, besides the traditional settings in which violence against women is typically perpetrated, that is the family, the community or the State, whether directly perpetrated or condoned, a fourth level where women are encountering vulnerabilities is the so-called *transnational arena* (UN Human Rights Council, 2009).

The connection between male culture and violence is much more complex than would appear at a superficial glance. Institutionalized violence today demands an analysis of the culture of force taking into account the multiple facets characterising the manifestations of power.

As a matter of fact, violence is tightly linked to inequality, that is to the power unbalances between men and women. The current legitimization of differentiated treatments among individuals or groups is based on a different attribution of value, and on the recognition of different functions and roles attributed to those individuals and groups. These very attitudes, translated in each others minds and bodies, combine to define that fundamental condition known as "gender". Gender is essentially based on an unequal distribution and enjoyment of opportunities and resources between men and women, and on the consequent, on an implicit justification of a different status.

Inequality is tied to violence with a double cord. First of all, inequality breeds and favours violence, which is an expression or effect of inequality itself. Second, inequality is fuelled and fostered by violence. Today's research into security issues has widely proven that the issue of gender violence is a true emergency. The continuing nature and magnitude of gender violence are so worrying that, in fact, it represents the real gap between a "male" and "female" concept of human security.

For the very same reasons, violence against women sheds light more than any other phenomenon on the universal character of certain forms and manifestations of gender discrimination.

#### *The centrality of violence against women in the human development and human security discourse*

As part the instruments offered by international human rights law, the Report of the UN Secretary General is fundamental to understand the complexity of the process which lead violence against women to be integrated into the human rights law paradigm.

The international community's commitment to fight violence against women, formally expressed during the World Human Rights Conference in Vienna in 1993<sup>10</sup> (Sullivan, 1994), finds expression in the Declaration on the Elimination of Violence

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<sup>10</sup> A/Conf. 157/23.

against Women, adopted by the General Assembly in the same year<sup>11</sup> (Charlesworth, 1990). In the Preamble, violence is explicitly recognized as a manifestation of historically unequal power relations between men and women which have led to discrimination against women by men, and more precisely, is seen as one of the crucial social mechanisms by which women are forced into a subordinate position compared with men<sup>12</sup>.

As part of a series of developments towards the recognition of violence against women as a human rights violation, worth to mention is also the appointment by the United Nations Human Rights Commission of the *Special Rapporteur on violence against women*<sup>13</sup> (Coomaraswamy, 1999; Kois, 1999). The work of this last mechanism was remarkable in this sense during the 1990s.

Regional organizations, as well, increasingly integrated women's perspective into the scope of their work and committed to promote women's rights. In this regard, the first to be mentioned is the "Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women"<sup>14</sup> adopted in 1994. A more recent instrument is the Optional Protocol to the "African Charter on Human and Peoples' Rights" on "The Rights of Women in Africa"<sup>15</sup>. The Optional Protocol, reaffirming the principle of equality enshrined in article 2 of the African Charter on Human and Peoples' Rights, sets forth *ad hoc* measures to eliminate discrimination against women. Currently, another treaty of international-regional scope dedicated to the prevention and elimination of violence against women and domestic violence is being negotiated (Garcia-Moreno, Jansen, Ellsberg, Hesise & Watts, 2005). Since the beginning of 2008, the ministers of justice of the Council of Europe (CoE) Member States, encouraged by the "Task Force to Combat Violence against Women, including Domestic Violence" within the CoE itself, initiated a series of negotiations aiming at setting up an *ad hoc* Committee within the Commission of Ministers to be charged of the drafting of a convention based on Recommendation n. 5 of 2002. This last document, adopted in April 2002, represents the most important reference text for CoE Member States in combating violence against women. The Parliamentary Assembly of the same organisation has for some expressed a firm political stance on the issue of violence against women adopting a number of resolutions and recommendations essentially aimed at fostering the adoption of a binding legal instrument. The proposed new convention would define standards on

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<sup>11</sup> The Declaration was adopted by the General Assembly of the United Nations during the plenary session of December 20, 1993 (A/Res/48/104).

<sup>12</sup> In this text the idea of violence includes physical, sexual and psychological violence, and ranges over such violent acts or behaviours as beating, spouse rape, genital mutilations and other practices harmful to women, dowry-related violence, violence linked to exploitation, workplace molestation, trafficking of women, and forced prostitution. However, this Declaration still lacks any specific consideration of women's right not to undergo violence, understood as an autonomous human right.

<sup>13</sup> E/CN.A/Res/1994/4S; besides editing reports for the Commission, the speaker, Radhika Coomaraswamy, is the author of significant contributions concerning violence against women.

<sup>14</sup> Also called the Convention of Belém do Pará, adopted on June 9, 1994, and not enacted yet.

<sup>15</sup> Adopted in Maputo on July 11, 2003 during the 2nd ordinary session of the African Union Assembly.

prevention of violence, protection of victims as well as obligation to criminalise specific conducts. Admittedly, in the drafting process of the convention, the case-law of the European Court of Human Rights, the monitoring body established by the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the decisions of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) are gaining in importance. The text now being elaborated by the *ad hoc* Committee opted for a holistic approach, assuming that the response to violence against women requires a comprehensive strategy with a multi-agency and multi-actor co-ordination. The drafting of the future convention shows that international consensus on the importance of preventing and combating violence against women is growing worldwide. Without a doubt, given the importance of the issues it will deal with, this convention could not only deeply impact on the protection of women's rights but also effectively promote a wider concept of equality.

The growing attention toward the issue of violence leads to the development of specific in-depth studies on the social impact and social costs related to it. In this perspective, studies carried out by the World Health Organization (WHO) on the link between health and violence, document the severity of certain situations, especially in light of the trans-generational impacts stemming from individual or collective experiences (WHO, 1997, 2001, 2002). Moving along these lines, the Report of the Commission on Human Security, *Human Security Now*, highlights the risks faced by women in situations where minimum economic and social standards are not provided and where inequalities between men and women are so harsh as to prevent adequate protection of reproductive rights.

The unequal power relations between man and women has heavily contributed to the feminization of AIDS: one can only recall that in sub-Saharan Africa alone, 60% of all infected persons are women. The situation is all the more dramatic due to other factors: women's role as caretakers of other diseased individuals; women's fear to bring up with the partner the issue of contraceptive use; women's difficult access to health-care services. Reproductive health services can contribute both to prevent the transmission of HIV, including mother-child transmission, and to modify risky sexual behaviour. Today, maternal mortality is one of the most pressing health problem to be tackled worldwide, representing the main cause of death for women of reproductive age in development countries<sup>16</sup> (UNFPA, 2004). Approximately 530,000 women die each year from causes related to pregnancy and childbirth, and 99% of these deaths occur in developing countries. More than 25% of women living in developing countries, that is approximately 300 millions, suffer from short- or long-term postpartum complications and bear the risk of becoming permanently disabled. Inadequate access to reproductive

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<sup>16</sup> WHO defines maternal mortality as the death of a pregnant woman or a woman dying within 42 days after the end of pregnancy, independently of the duration or context of pregnancy, by any cause tied to pregnancy or aggravated by the condition or its progress, but not by incidental causes or accidents. For an overall view see the WHO website, [www.who.org](http://www.who.org), and that of UNFPA: [www.unfpa.org](http://www.unfpa.org).

health care services is a major cause of women's risk of undergoing permanent pregnancy-related physical damage. Obviously, maternal mortality and pregnancy-related disabilities are the result of systematic violations of women's rights and are at the same time strictly related to restrictions of women economic autonomy.

The United Nations Population Fund estimates that deaths and complications related to pregnancy and childbirth could diminish by 20% if family planning needs are taken into account. That is a remarkable percentage, if one consider that in developing countries only around 5% of women have access to adequate post-partum care. This low percentage is due to various factors, including the inaccessibility and costs of health services, the low level of decision-making power of women within the family and, above all, women's isolation from social community life. In addition, problems linked to distance to health care facilities should not be underestimated. Taken together, in the last decade, these difficulties have meant that progress in reducing the maternal death rate has been insufficient. To worsen the situation, many countries are ravaged by internal or international armed conflicts and the social expenditure has been cut to abide by the international financial institutions impositions to reduce public debt<sup>17</sup>.

Another dimension showing a gender risk is disability. The fact that women are more at risk than men for suffering disabilities is confirmed even by official documents of the United Nations and the European Union. The disability issue itself is a perfect example of the progressive incorporation of a "gender perspective" in all international community policies and programmes as well as in the work of all human rights bodies. The need to consider the gender dimension plainly emerges, as well, in more recently adopted international instruments. In this context, the most advanced document is the International Convention on the Rights of Persons with Disabilities<sup>18</sup> which, in relation to the situation of women with disabilities, introduced the notion of multiple discrimination (Makkonen, 2002).

The growing importance given to the issue of violence against women is partly linked to the strong media impact of a number of emergencies wielded during the 1990s. Reference here is made in particular to ethnic conflicts where sexual violence has been used as an instruments of war. Women continue to suffer the most horrific abuses in times of conflict. The last year has seen the persistence of brutal rapes on a massive scale in eastern Democratic Republic of Congo (DRC) of which recent events in the Walikale region, where armed groups terrorized the population over four days, raping over three hundred people, were yet another appalling reminder. From Afghanistan to Sudan, Iraq, Chechnya and Colombia, sexual violence continues to be used as a weapon of war. Indeed, the extent and harshness assumed today by this phenomenon point to the absolute need to strengthen international instruments devoted to the protection of

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<sup>17</sup> For an overview on the most recent developments on the gender approach as related to a series of different types of indicators, see Progress of the World's Women 2008-2009, Who Answers to Women? and Progress of the World's Women 2008/2009, Gender & Accountability.

<sup>18</sup> General Assembly, Resolution 61/106, December 13, 2006.

women's rights, and more accurately to reconsider the acts committed against women as part of genocidal violence, war crimes, and crimes against humanity. In this framework, the capacity of women's movements to raise together with the question of violence in armed conflict a number of other issues till that moment neglected at the international level, has found expression in the request for immediate intervention by the international community, both for a different approach to gender issues during emergencies and for a redefinition of international institutions' role in protecting women's rights.

Since the 1990s, the adoption of a "women's empowerment" and "gender mainstreaming" approach has led towards the strengthening of the status of women. At first, in the process of recognition of women's rights and later, on the side of their judicial enforceability. In this area, a certain symbolic and concrete relevance can be attributed to the "criminalisation" approach to the protection of human rights, that is the growing attention of international criminal law towards the recognition of grave violations of women's rights within the scope of war crimes, crimes against humanity and components of the crime of genocide. Historically speaking, the condition of women in armed conflicts has not been the object of particular attention under international law. Sexual violence in armed conflict is, of course, proscribed and punished under international humanitarian law but the efficacy of these provisions in preventing and providing accountability for these crimes has never been outstanding. Rape, in particular, rather than being condemned by the military structures involved, has not only been tolerated, but sometimes seen as an adequate reward to fighters. The use of sexual violence against women in a situation of armed conflict far exceeds the asserted needs of sexual satisfaction for troops. Very often such conducts become an integral part of war efforts, both on the symbolic and the concrete plane, as part of a strategy of ethnic cleansing or sexual slavery. Viewed as unfortunate accidents of war, rather than crimes, such behaviours were not accorded specific recognition before criminal tribunals.

Under international humanitarian law, the Geneva Conventions of 1949 and its Optional Protocols of 1977 set forth several provisions for the protection of women even though the primary intent was to protect the community in general, especially children, rather than the category of women itself<sup>19</sup>. A significant steps towards the recognition of gender-based crimes as crimes punishable under international criminal law were then made with the adoption of the two Statutes of the *ad hoc* International Tribunals for ex Yugoslavia and Rwanda. As a matter of fact, the progressive development of the international human rights law system deeply conditioned the evolution of international humanitarian and criminal law towards a more victim-oriented approach.

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<sup>19</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, August 12, 1949. Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977; Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), June 8, 1977.



*Women, peace and security: recent trend in the international community*

From the outset, the United Nations activities for the promotion of the status of women and the protection of women's rights have been characterised by the link between peace, development and equality.

The need to consider together these three fundamental policy elements was already apparent during the First World Conference on the International Women's Year held in Mexico City in 1975 even though, a more developed conceptualization of the issue at the policy level, was only development in the framework of the Third World Conference on Women in Nairobi in 1985. In the subsequent years, the elaboration of the linkages between these three objectives (peace, development, equality) formed the basis for the political discussion and activity not only of the women's movement but also of the international institutions devoted to the protection of human rights.

A recent evolution in the discussion over the effective equality between men and women, especially as regards decision-making processes, involves the role of women in the prevention of armed conflict as well as in peace-keeping and peace-building activities. At the international level, this discussion focuses on two major aspects. The first one relates to the need to overcome the under-representation of women in leadership positions within the United Nations infrastructure and other inter-governmental organizations in general, a commitment reaffirmed in 2000 during the UN General Assembly Special Session devoted to the five-year review of the implementation of the Beijing Declaration and Plan of Action. The second one touches on the need to devise strategies fostering women's role in conflict resolution at the community level as well as their participation in official peace negotiations. In other words, the importance of increasing the representation of women at all level of decision-making, including those dealing with situations of conflict or humanitarian crises, has emerged in the political agenda of international bodies for several years now. This commitment is to be understood in light of the need to establish a supra-national collective security system based not only on the political and military dimensions, but also on the economic and humanitarian ones. That is, a system embracing a multi-dimensional concept of security where the role of women and the importance of gender mainstreaming policies are reinterpreted so to uncouple the binomial "victim/combatant". In such a new system, the specific needs of men and women as well as their peculiar resources and capabilities are systematically considered in all areas and at all levels.

Practically speaking, there is the need to enhance women participation at all level of decision-making, starting from the local dimension to the most relevant political bodies at the international or regional level where traditionally women face more difficulties in accessing offices.

Peace agreements do not put an end only to hostilities. More than that, they serve to redefine the existence, the role and the functioning mechanisms of the most significant political, juridical, civil, economic and social structures of territories involved in



conflicts. Negotiating peace, therefore, does not simply imply a cease-fire. It means devising future structures within a given geopolitical area and for this very reason it is of utmost importance considering the identity of actors involved as well as their level of representativeness.

Of fundamental importance is the recognition of the role of women in situations of crisis and of their struggle to contribute to the well-being of their communities. The specific skills and capacities expressed by women in the context of decision-making processes, in fact, appear to be opening up new spaces for the recognition of their individual and social value, even in classically male controlled domains. An early response to this new awareness, though debatable in relation to women's needs, emerges in the numerous efforts undertaken in many countries in order to increase women's presence in the national military forces and, as a consequence, increase their number in international policing operations.

An equitable gender representation in peace negotiations ensures the social legitimization of such decision-making processes and, democratically speaking, provides for more acceptable solutions to those members of the society bearing the highest costs of war.

The negotiations table represents only one part of a complex process which often starts before the end of the armed conflict and continues through various transitional phases in the pursuit of peace. It is not only a fundamental step along a path where all the different aspects of peace-making should converge, in particular those touching on the definition of new institutional and government structures, but also a crucial arena for the definition of the future normative and constitutional framework.

There is no doubt then that women's participation in decision-making process in the context of conflict solution offers women a chance for advancement in numerous areas touching upon the recognition of their rights and of gender equality such as economic security, social development and political participation.

In relation to these issues, the UN Security Council Resolution 1325<sup>20</sup> on Women and Peace and Security is an important step toward the recognition of role of women in the prevention and resolution of conflicts and in encouraging the expansion of the contribution of women to international policing mission. The Resolution thus recognizes women's potential contribution in peace, in conflict resolution and, more generally, in assisting post-war reconstruction efforts and the rehabilitation of victims. In its 18 paragraphs, the Resolution expresses the commitment of the most important body responsible for the maintenance of peace and security to enhance the involvement and full participation of women in all efforts towards peace and security. It does so considering all dimensions relevant to women's participation: decision-making processes

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<sup>20</sup> S/RES/1325 (2000), October 31, 2000. The Resolution was adopted after a debate in the Security Council, held on October 24-25, 2000, during which 40 Member States voted in favour of greater involvement of women in decision-making processes, and expressed their willingness to define and include a gender perspective in peace processes.

for the prevention, management and resolution of conflict; good offices and mediation; field-based operations; peacekeeping; humanitarian action and reconstruction efforts.

In this important document, the Security Council urges States to increase their commitment for gender-sensitive training for peacekeeping personnel and calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls. In other words, there is a clear recognition that security sector reform (SSR) should meet the different security needs of men, women, boys and girls. The inclusion of gender issues, in fact, is crucial to the effectiveness and accountability of the security sector, and to the local pertinence and legitimacy of SSR processes. Preceded, and in part foreshadowed in content by the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations<sup>21</sup>, Resolution 1325, given its wide-ranging goals and unanimous approval, is considered a milestone in that it inaugurated a new kind of commitment which from 2000 has led to the adoption of other important resolutions in the area concerned.

In the accompanying documents of Resolution 1325, the Security Council highlights the fact that complex political emergencies threaten the socio-economic and political advancements which have cost women such a dear price. A gender analysis of each single crisis would be necessary, not only to highlight the different impact an armed conflict can have on men and women, but also to avoid elements which would further worsen the status of women, and to better understand what kinds of intervention may foster emancipation and development in a later phase. Practically speaking, from the viewpoint of the status of women, the identification of local dynamics, including family dynamics, can help in defining interventions aimed at creating greater opportunities for women, both at the economic and educational level. It is thus evident that the growing attention towards populations struck by humanitarian emergencies must adequately address the gender dimension of peace negotiations if such interventions are to be effective.

Over the last decade, the United Nations Security Council has adopted three other resolutions concerning women, peace and security. These resolutions highlight some of the particular consequences of armed conflict afflicting women and girls. They also provide guidance for States, regional organizations, the UN system and other stakeholders in addressing the needs of women and girls during and after armed conflict, and in promoting their empowerment. The resolutions call on States and UN institutions to ensure the full inclusion of women, their needs and viewpoints, in peace-building, stressing the importance of protecting women by preventing conflict-related sexual violence.

If the UN Security Council Resolution 1325 recognizes the peculiar negative affects of armed conflict on women, and the important contributions women can make to peace,

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<sup>21</sup> A/55/138-S/2000/ 693, July 4, 2000.

security and reconciliation, these other documents are more directly oriented to combat violence against women and sustains the participations of women. In particular, UN Security Council Resolution 1820<sup>22</sup>, adopted in June 2008, demands that states take special measures to protect women and girls from sexual violence in armed conflict and to ensure access to justice and assistance for victims. Resolution 1820 emphasizes the role of peacekeepers in protecting civilians, and advocates an increase in the number of female peacekeepers. It also requests that the UN, in consultation with women and women's organizations, develop mechanisms during disarmament, demobilization and social reintegration, as well as in security sector reform, to protect women from violence. UN Security Council Resolution 1888, adopted in September 2009<sup>23</sup>, focuses on sexual violence in armed conflict as well. It advocates for the inclusion of sexual violence issues in peace processes, DDR and SSR arrangements and for justice reform to address impunity and ensure access to justice for survivors. It also defines new mechanisms within the UN to intensify the struggle against war-related sexual violence, and foresees the establishment of a Special Representative of the Secretary General on the issue. It again gives priority to women's representation in mediation and decision-making processes, and the inclusion of female personnel in UN missions. Finally, UN Security Council Resolution n. 1889, adopted in October 2009<sup>24</sup>, widens the Council's focus on and commitment to women's participation in peace-building, emphasizing the role of women in political and economic decision-making (Bastik & Torres, 2008).

### *Conclusion*

During the past two decades, the discourse on gender security has touched upon areas of analysis which did not classically contemplate a gender dimension.

In the discussion over the effectiveness of security, the problem of human rights judicial enforceability is of utmost importance. Once more, however, current tendencies clearly show women's greater vulnerability in situations of danger and precariousness. Without a doubt, in recent years, significant progresses have been made. Still, today, the risk of regressing with respect to the results achieved or of failing to share those results with a part of the female (and male) world population, is dramatically growing. The most recent approach adopted by the international community on the issue of human security and the status of women, adamantly contradicts the classical interpretations on the relationship between the gender dimension and armed conflicts emphasising, on the contrary, the impact of armed conflicts on the civil population and in particular on women and girls. Contrarily to the idea that armed conflicts and humanitarian crises are separate phenomena not hindering on women's life and on the human reproductive

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<sup>22</sup> Resolution 1820 (2008), adopted by the Security Council during its 5916th meeting, on June 19, 2008.

<sup>23</sup> Resolution 1888 (2009), adopted by the Security Council during its 6195th meeting, on September 30, 2009.

<sup>24</sup> Resolution 1889 (2009), adopted by the Security Council during its 6196th meeting, on October 5, 2009.

dimension, they deeply impact on the female population. If anything, contemporary armed conflicts have forced women to change their attitudes in the individual and community care so to make their direct confrontation and total participation in the conflict inevitable. The fact that women's risk of dying and get injured is higher than that of combatants proves how drastically the impact of armed conflicts has changed over the times.

Disarmament, demobilization and social reintegration are the most recent chapters in the discussion taken up by several organizations in the international community in the context of gender dimension of security (Department for Disarmament Affairs, 2003). These additional elements, which are formally dealt with in official peace agreements, represent also important dimensions of the peace process of particular relevance for women's life and security.

To confirm the importance of the gender dimension in emergency situations, since 1998, the United Nations Office for Disarmament Affairs, thanks to a close cooperation with the Office of the Special Adviser on Gender Issues and the Advancement of Women, started developing a gender perspective of disarmament.

Another consequence of armed conflict particularly affecting women is the problem of forced displacement. More than 4/5 of war refugees and internal displaced persons are sexual abused women or girls. In this regard, data released by the United Nations Office of the High Commissioner for Refugees (UNHCR) shows that women and girls make up the vast majority of people in need of humanitarian protection. Today this population is about 43,3 millions (UNHCR, 2010). The UNHCR committed to carry out coordinated efforts to raise awareness among staff and humanitarian workers on gender-related risks faced by women and girls when fleeing a combat zone and in refugee camps as well. The *Guidelines* developed 1995 by UNHCR (UNHCR, 1995, 2003) as well as other documents later adopted by the organisation, opened up a new way of approaching the issue of security among refugees favouring at the same time the development of a gender perspective to the international protection regime. It should also be considered that one of the consequence of humanitarian emergencies and current migration flows is the phenomenon of family disintegration. In this context, a large number of family households, often including elderly or persons with disabilities, are headed by and thus totally dependent from a women. Once again, then, strengthening the woman's economic security status, thus promoting their economic, social and cultural rights, is of fundamental importance. It would not only enables women to fully participate in decision-making processes, whether in times of emergency or transition, but also confers full citizenship on them.

Instead of advancing a paradigm of security centred on military control, there is a need for an integrated approach to security centred on peoples' needs. In this way, security, intended as a part of the wider move towards global governance, becomes an all-encompassing condition in which individuals live in safety. Only through such a political project marginalised individuals and communities are empowered to let their

voices be heard, thus contrasting the State security paradigm focused on aggressive and adversarial designs.

In other words, it is unrealistic to confront the issue of violence against women and along with it the issue of security if the focus is not on gender violence, a phenomenon based on a patriarchal culture, relations of dominance, and unequal power relations between men and women. Gender violence, then, cannot be reduced to a question of equal opportunity between men and women as it widely affects the relations between them in the public and private sphere, concretely demonstrating to what extent the personal dimension is at the same time political as well as the private one is at the same time public.

Whether violence against women is a manifestation of unequal power relations between man and women, it is also interpreted within the human rights framework. Addressing the roots causes of gender violence implicates radical changes of social structures and community systems on which the communities are found as well as the recognition of women's autonomy, decision-making skills and empowerment. Today, while the goal seems the promotion and protection of the rights of women victims/survivors of violence the final objective, in line with the historical feminist movements, should be the recognition of the right to a different and violence-free society for all women. Understanding violence against women within the patriarchal nature of society allows for a politicization of violence, thus eliminating the barrier existing between victims and non-victims and creating forms of solidarity and awareness.

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