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TITLE

**WO [...] MAN: The Italian experience of new Legislation and Law proposals,
governmental activities and non formal approaches to gender based violence and gender
mainstreaming.**

1. Legal introduction: protection of gender

This paper is the result of my experience as trainer dealing with women’s and children’s rights. I would like to focus on the practical aspects of gender- based violence in the modern multicultural society, more than on a detailed legal report, which I will only summarize.

According to the Italian Constitution, everyone in Italy has the same rights, obligations and opportunities regardless of gender (article 3 of the Italian Constitution) and the promotion of equality between men and women is one of the goals of the EU (article. 2 of the European Treaty).

This should mean an equal distribution of opportunities and leading positions in the society.

The Italian Government, according to EU guidelines, promotes the peer education, gender equality and mainstreaming between the sexes above all for the younger generation. The recent Italian Law is one good example of attempt to prevent and persecute different kinds of violence against women with a revolutionary effect on the structure of the Italian Criminal Law and a more efficient procedural protection of the victim. The long political debate, which went over 30 years, focused out that the gender violence in the domestic and work environment (e.g , harassment and mobbing) is a social phenomenon rather than an exceptional and isolated event.

1996 and 2001 were two fundamental years in the defence of women’s rights, even if it’s important to point out that Italian criminal law still doesn’t know sexual harassment, but only nuisance and, for this reason, modern comparative studies are trying to bring its regulation from the USA and European Laws.

The conceptual modification introduced by the Act n.66 "Regulation against sexual violence" of 15 February 1996* (compared to the previous discipline of the Italian Criminal Code Rocco R.D 19 October 1930, n. 1398) is that sexual violence against women is no more considered a crime offending the "public morality", but a crime "offending the personal-sexual freedom". This evolution changed the systematic interpretation of the rules and strengthened the role of the women-victim in the process. For the first time in Italy, this law punishes the group sexual violence with a heavier penalty for each offender than the one for the same crime committed by one person only.

The Act 154/2001 completes the basic penal and civil regulations. The main positive innovation is that restraining or interdiction orders are extended from the family house to the remaining places frequently visited by the person in danger, such as the workplace, houses of relatives, etc. This measure aims to:

1. defend the woman and the children from a relationship characterised by violent behaviours by the man with the aim of dominating and subjugating the woman
2. avoid that the woman sacrifice her fundamental individual rights such as freedom, dignity and even her physical /mental health in order to bear the burden of "saving the marriage" (or relationship).

In addition, the payment of a subsidy can be provided for the dwellers lacking adequate means. This measure aims to support the woman in the frequent lack of economic means inherent in domestic violence situations over a long period of time.

Unfortunately, practical experience shows that penal instruments are applied after many episodes of unreported violence; in fact, the occasional violent action does not lead to lawsuits. Instead, women request this procedure only when they realize that the escalation of violence can damage her own safety and that of her children. Only with this awareness woman asks for help and wants a third party to intervene (the State) with authority and power to inhibit a harmful situation. The long average time between protective measures being requested and the court pronouncing on them is not helping the implementation of women's motion.

Criminal action itself in Italy requires the woman's complaint, and at least conclusion of criminal investigation (establishment of probable cause/indictment), eventually even conviction. Only in an acute jeopardy a decision can be made on the grounds of the woman's statement, *inaudita altera parte*. In these cases the man's hearing can take place at a later date, although this may well be an exception. In fact, occasionally cautionary and personal restriction measures are applied (cautionary custody, home arrest, obligation of reporting to the judiciary police at given intervals, etc). They are not definitive measures because they are stipulated for provisional periods. Their main objective is to prevent the recurrence of violent behaviour, usually against the same victim and, as effect, it allows battered and abused women to gain a little time and peace of mind (as well as safety) to decide how to proceed. Whoever went through that experience knows full well the importance of this space.

Anyway, the protective measures cannot be adopted by the police on its own account. Police interventions are explicitly restricted to acute situations of danger and are therefore to be carried out immediately.

As conclusion, it is remarkable that if women's rights are slowly finding an adequate protection, new topics are coming into the agenda of Italian Authorities. In occasion of the Next Conference ONU 2005, Italian (female) Ministry for Gender equality, Prestigiaco, is going on with a very deep activity in four main directions:

- 1) Deep analysis of female gender in the different migrant communities in a quickly developing multicultural society. Focus on integration of foreign women, who are in a more vulnerable situation when they are victims of any sort of gender violence (e.g. infibulation).
- 2) Legislation on trafficking of human beings, in order to persecute the purchase of human beings pursuing direct or indirect forced prostitution;

- 3) Promotion of women in political life and women participation to democratic life, involving the Universities programmes.
- 4) Involving men in the process of gender mainstreaming and of education on the comprehension of women rights, according to the trends of European Commission and Council of Europe.

At a governmental level nothing effective has yet been done concerning the LGBT issues. NGOs managed to press the public opinion on Regional level to involve authorities in the informal education, analysing the main problems LGBT face (gay-bashing, coming-out, mobbing, regulation of their relations on a juridical level, homophobia) considering that in the modern society mobbing and psychological violence can not be considered only a problem for women.

2. The role of NGOs in gender issues in Italy

It is important to take into account that the law is not adequate to handle violence without the support of other branches of the society (sociological and psychological support, mediation, volunteers, art, NGOs, etc). This is very difficult without a governmental promotion of human rights and without the cooperation between Authorities and stakeholders of civil society.

As Youth worker and volunteer I'm proud to say that in Italy and in other countries NGOs are playing a fundamental role in lobbying Governments with campaigns on human rights, hotlines, fairs of third sector (as the traditional *Civitas* taking place in Padova each year). In many successful cases local authorities are becoming more and more sensitive to gender, women's and children's rights and they promote roundtables, law proposals, drafts and agreements, monitoring.

Telefono Rosa, Houses of battered women and Women's Centres in general, Casa della Giovane, are only some of the NGOs and Institutions taken into consideration for the big efforts they do not to be perceived only as a helper in dire circumstances (with the risk of reinforcing women's image of helplessness) but as a companion who helps to find a way to implement a woman's strategy for living and not only surviving, based on the election of "*being on the side of women who seek help, recognising that the responsibility for violence lies in whoever applies it and that violence against women is first and foremost a masculine problem*". In this context, the lawyers of the Women's Centres played a crucial role in the preparation of an analysis taking into account the particular complexities of domestic violence experienced in extreme loneliness, shame, feelings of loss of self, guilt and a quasi-magical expectation of justice. The decision of a woman to break through this harmful circle is delicate from all viewpoints (psychological, economical, legal and logistical) and also for this reason, the interest for family mediation is gradually improving in the last years, with a proliferation of courses and attempts to make mediation obligatory, for example thanks to associations like AIAF (association of defenders of family and children) and Gea (on responsible parenthood). Nowadays, in Italy only penal mediation between offenders under age and plaintiffs is practised in some courts for minors, as in Milano thanks to lawyers and professors as Adolfo Ceretti and Mrs Mazzuccato, inspired by Jacqueline Morineau's *esprit de la mediation*. I think that the main problem on a legislative level is to decide whether the access to this service should be requested by the parties or imposed by the judge. Indeed mediation can be manipulated by the abuser to reaffirm his persecutory strategy on the victim. This problem doesn't find an immediate solution, if we take into account the experiences in countries having different cultures (USA, UK, France, Australia, Austria, etc., which have utilised mediation for many years also in domestic violence cases) which led to mistrust this service when it was utilised against the wishes of the parties and there wasn't any true willingness by the abusers to resolve the conflicts.

NGOs play an important role also concerning to LGBT's rights. The article 13 of the EEC Treaty represents the appropriate legal basis for the adoption of the necessary measures to fight against all the discriminations founded in sex or sexual orientation. Starting from the world pride of 2000 LGBT's freedom has been strongly improved. The local prides in Italy (each year in a different city) are the result of LGBT activism in the previous years, which multiplied the effects to smaller groups in different regions. Hotlines, meeting points, psychological supports for the awareness and coming-out, activities for free time, art festivals, publications for the prevention of isolation are increasing rapidly, even if above all in

the urban areas. Anyway, a fragmentation within the LGBT movement is prevalent in Italy: gay, transgenders, lesbian associations are seeking their own space. In the Arcigay, the biggest gay Italian association, smaller independent groups bloomed at a local level. In the left political parties can be registered homosexual organisations (for instance. CODS bound to DS, GLO in Rifondazione Comunista, Gay Lib near to Casa delle Libertà) and an increasing participation to political life of LGBTs (e.g. Titti De Simone, president of the Italian Arcilesbica). In the last years the coming-out of journalists, intellectuals and politicians helped people to increase awareness on the LGBT issues. New law proposals have been proposed: civil marriages between partners of the same sex, the so called “piccola soluzione” for transgenders (which means the chance to change of anagraphical registration without the need of the previous surgical operation, already adopted in Germany), and mobbing. From a geographical point of view, Gay organisations are very active with their seats in Trento, Milano, Bologna, Roma, Napoli, Bari, Palermo; with informal groups in Verona, Udine, Ferrara, Ancona, Perugia; with small groups in Savona, La Spezia, Treviso, Trieste. In other regions (Abruzzo, Molise, Sardegna, Basilicata e Calabria) it seems more difficult an official organisation, above all for the female movements, which can only use hotlines to oppose their isolations. From a cultural point of view, nowadays it is possible to attend “Letteratura di genere” in some Universities, which has to be considered only a first partial and still limited step.

3. Contemporary art for gender evolution

Theatre of the Oppressed and presentation of “WO-MAN 05”

In my experience, a holistic approach to education and prevention of gender-based violence is the only practicable answer for the effectiveness of law instruments and governmental efforts. Theatre of Oppressed (from now on TdO) techniques and contemporary dance workshops are conscious-raising tools used in the non formal education to improve self potentiality, to go into deep in emotions, tensions, body confidence and experimentation, to overcome diversities both in the prevention of gender violence and in overcoming traumas.

The techniques have been developed by Augusto Boal and are used all over the world by social workers, NGOs, trainers and theatre professionals. The roots of the TdO have to be found in the proletarian environments in Brazil. As director focused on oppression throughout society, Boal shaped these techniques for people suffering inequalities and oppression in general, not only for female rights, but they started being used very often by social workers to provide women tools for overcoming their psychological and physical oppression, for the exploration of women and men’s communication, oppression and relation. The techniques can be used in several ways, both in the schools or in the NGOs (with Young women and men for increasing self awareness and prevent violence) and with the victims of violence (or therapy group, depending on the cases).

One of TdO’s methods, *Image theatre*, is based on the bodily and non verbal expressions of oppression through game-exercises built on the variation of sculpting exercises. The spect-actor is supposed to take part, discussing collectively the proposed topic, in a special way: by using actors or, as sculptor him/herself, other participants’ bodies, determining the position of each body and face expression, without use of language. This statues or group of statues represent a situation to be discussed.

Also with *Forum theatre* Boal aimed to make popular theatre where the audience could intervene directly in the performance, by changing the script and, metaphorically, the society. In order to increase awareness. In this technique, spect-actors not only comment the story, but also take part to it and can bring the play to a different end. The play has to be performed at least twice.

The first time to present the story (fixed script, dialogue and a conclusion which highlights the crisis).

The second time the spect-actors can intervene “to continue the physical action of the replaced actor” and the other original actors have to react to this new situation. The whole play changes shape thanks to these interactive actions. The director’s role is taken over during all the performance, in order to build dialogue between actors and spect-actors. Both the performers and the audience try to solve the proposed conflicts, providing strategies that could empower women in their own lives. In the origins

theatre Forum was used to raise consciousness of divorced women, gynaecological care and education in the Family Planning Movement (it started as a movement by women for women, when Dr. Marie Stopes wrote "Wise Parenthood" in 1918). Illiterate women groups, battered women found out different ways of survival, by performing the future lives they wished for them selves. At the end they felt stronger, because they saw their sufferance performed, made visible and discussed. As practical example of TdO structured exercises, I will use the draft programme I prepared for the Training Course "WO-MAN 05: gender based violence in a multicultural society" which will take place in Padova next July, organised by the Municipality (Progetto Giovani) with the support of Italian National Agency (Youth). The programme includes a two-day-long workshop of *Forum theatre* on gender-based violence. According to the principles of TdO, participants who will take part to the workshop have to be involved actively in the performance only if they really wish. The age of participants will be between 22 to 35 years. Most of them are graduated, other social workers, all dealing with Gender issues. Posters in the city will announce the workshop, in order to involve young people of the local area. The place where the workshop will take place is a building with big rooms, in a huge garden with trees and green, and the chance to continue the work outdoors. For the forum workshop no special furniture are needed, apart from small carpets, pillows and different kind of music according to the different exercises. The role of the trainers is quiet delicate, as they have to facilitate the creating process, the work in the group and with the group, dealing with gender based violence. The first step will be a very common starting point for a workshops: participants will stay in a circle, because it symbolizes the shared energy, a space where participants can express themselves, creating their own world, introducing each other to the group, building confidence and trust. Then they will work with the so-called pre-theatrical approach games and exercises in different parts of the garden and of the building. The aim of this part is both to increase physical awareness and emotional confidence. After each game-exercise the participants seat in circle and give feedback of it. After the warming up, they will share intimate thoughts in buzz groups and in a silent place. All these steps will lead to the final Forum performance. As it often happens in other Forum workshops, the plenary group will be split in small groups of 5-6 persons. Each of them will work in a different forum play, which will be rehearsed by the rest of the group. At the end one will be chosen to be developed in the plenary and performed to the audience. In our case audience will consist both of representatives of NGOs, most of which dealing with gender issues, and of common people as well, in order to present it also to migrant communities on the territory of the City.

Isadora Duncan and her gender revolution: interview to Mrs Paola Testoni, contemporary dancer and teacher in Como, Italy

1) Mrs Testoni, could you outline the work of Isadora Duncan?

Isadora Duncan was a revolutionary personality in life as a modern woman standing for women's rights, as well as in art, bringing back the art of the dance to its original role and values. As in classical Greek tragedy the chorus of the actors-singers-dancers expressed the vast range of human emotions and tensions. In centuries this was reduced to entertaining for the elite, whereby ballet was created. It used women as articulated puppets to feign emotions deriving from a rigid manner of moving-dancing on the tip of their toes, thus denying any connection to the ground, hence to reality. It was like an escape into a dream world with no connection with real human feelings stemming from real life. Isadora revived the dance studying the wave movements of nature and how the classic Greek artists represented movement in their beautiful living statues and bas-reliefs, as well as early Italian Renaissance such as Michelangelo, Donatello, and Botticelli.

To Isadora the artist was a vehicle to represent and regenerate the best part of the human experience expressing its full range of feelings, from ecstasy to fury, from joy and desire, to sadness and despair. She incarnated Euridice, the Furies, the Blessed Spirits, in Orfeo's story, as well as Iphigenia as a young princess in Aulis, and then as a holy priestess sacrificing her life in Tauris serving Artemis. She started moving on the wings of the great composers' music: Chopin, Schubert, Bach, Brahms, Scriabin, Gluck, drawing her inspiration from the great themes evoked by such great music, unlike ballet for which music pieces were commissioned, on stereotype romantic themes.

She led a life free from bourgeois conventions, totally devoted to teaching children art and beautiful movements expressing the soul, based on an art educational system, in which they could learn from all arts: painting, music, dance, sculpture, poetry and literature, how to create beauty and hence nurture hope, and form a better, fuller, mature humanity, rather than forming an army of empty acrobatic puppets for a spoiled and dormant public in search of pure entertainment. She mainly performed to create a culture and awareness of the new dance of the future as she called it, and particularly to raise the funds for her full boarding free dance schools, for which she sustained all expense, such was her belief and her devotion authentically socially committed. She did not believe in bourgeois conventions. She believed in the right to express oneself freely, in the highest respect of the beauty of humanity, if only it chose to evolve from its war-waging egotism.

She wanted to contribute to social developments in philosophical thinking, and art making, thus promoting a fuller range of expression and creation for women and children.

2) What are its underlying principles, and how can gender social reality benefit from it?

Isadora's work is based on the very principles of life itself. Life is free flowing wave movement in the form of emotions, thought, and spiritual yearning. Our body is the instrument of expression of our deepest feelings. To learn to know and express oneself in dance looking at the highest examples in art means to become fully aware of life's values and to respect those who carry them and form others. As we know, to act against women is to act against our own children and to endanger the future of all humanity. Any type of gender violence be it psychological or physical can be recognised and pushed back only with a strong sense of self-worth and of belonging to a community who is aware and cares for women. In their mother role, as well as daughters, children, then girls, making their way into the world and giving their best abilities to form a better humanity, because to violate women's rights is ultimately to deny and violate children's and everybody's rights to believe, hope, and act to make the world a better, safest, welcoming place to live.

3) Why is Isadora contemporary and why would you suggest it to young women?

Isadora brought about a revolution of the classics. Classicity is revolutionary especially into our a fast paced world which seems to have lost any notion of time, purpose and space. We aim at a faster life unfocused, without time to mature and assimilate events. Isadora believed that it is a birthright of every human being to learn about beauty through art so as to learn about love, and preserve human values such as beauty, pleasure, balance, peace.

Children and young women in learning to dance Isadora's way have a chance to strengthen and safeguard their natural inborn rights to express and fulfil their own longing for joyful creation, sharing, caring, self-expression.

4) Could you tell us about your work and projects on Isadora's philosophy and pedagogy of the dance?

I was born with a strong natural need to express myself especially in dance. Like Isadora I danced freely upon the wide winged great classical music. I tried to cope with rigid and still ballet classes and as Isadora I could not violate my body dancing on the tip of my toes. So I discovered by experience that ballet could not express the vast range of human tensions. I then discovered about Isadora, but again it took many years of empty technical modern and contemporary dance training and most individual research abroad - coming from the country where ballet was first created - to develop my own Isadora's free dance, studying nature and art, and finally have my work recognised by two of the foremost Duncan exponents: Jeanne Bresciani from the New York Duncan Institute, and Barbara Kane of the Isadora Duncan Dance Group, with both I trained and dance currently. I trained as a contemporary dance teacher with the French school of Dominique Dupuy, and as a dance educator in Bologna to bring dance in schools to all children. I started teaching 7 years ago bringing dance into the schools to all children regardless of age, gender, nationality, and it always was a fulfilling and meaningful experience to find a natural response into beautiful movement on music stemming from children's souls as natural inborn motion of self expression.

I then created a cultural association to create a time and place for Isadora into contemporary dance. I teach children from age 3 to young and adults, and organize yearly international seminars and performances with Duncan dancers, and dance-theater seminars based on Duncan and Laban principles. I direct a dance company, tour in independent festivals, and dance in the lecture-performance cycle dedicated to Isadora with Professor D.Casini Ropa of the Dance, music, theatre Dpt. Of the University of Bologna.

Appendix*

Modifications introduced by ACT No. 66 "REGULATIONS AGAINST SEXUAL VIOLENCE" of 15 February, 1996

Art. 609-2 – (Sexual violence) – Any person who, through the use of violence or threats or abuse of authority, obliges another person to perform or submit to sexual acts, shall be punished with a penalty ranging from 5 to 10 years of imprisonment. This same penalty is applied to any person who induces another person to perform or submit to sexual acts: by taking advantage of conditions of physical or mental inferiority of the victim at the time of the act; when the defendant, in order to deceive the victim, pretends to be another person In less serious cases, the penalty shall be reduced by an amount not exceeding two thirds.

Art. 609-3-(Aggravating circumstances) – the penalty of imprisonment for a period ranging from 6 to 12 years shall be applied when the acts referred to in Article 609-2 are committed:1) against a person under the age of 14 years old;2) with the use of weapons, alcoholic or narcotic substances, or other instruments or substances seriously harmful to the health of the victim;3) by a person disguised as or pretending to be a public official or a person employed in public service;4) against a person who is in any way subjected to limitations in his personal freedom;5) against a person under the age of 16 years old, should the defendant be the victim's ascendant relative, natural or adoptive parent or tutor. The penalty of imprisonment for a period ranging from 7 to 14 years shall be applied if the act has been committed against a person under the age of 10 years old.

Art. 609-7 – (Accusation by one party) – the offences contemplated in Articles 609-2, 609-3 and 609-4, are punishable on filing of a charges by the victim of the crime. Excepting that specified in Article 597, third section, the deadline for the presentation of the accusation is 6 months. Once filed, the charges are irrevocable. However, procedures will be automatically initiated for judicial action.1) when the act referred to in Article 609-2 is committed against a person under the age of 14 years old at the time of the act;2) if the act is committed by the natural or adoptive mother or father, or by the person who co-habitates with him or her, by a tutor, or by another person who has been entrusted with the minor for reasons of care, education, instruction, supervision or custody;3) if the act is committed by a public official or by a person employed in public service, in the exercise of his or her duties;4) if the act is committed in conjunction with another crime which is subject to action of the legal process;5) if the act is committed according to the hypothetical situation referred to in the last paragraph of Article 609-4.

Art. 609-8 – (Group sexual violence) – Group sexual violence consists of the participation, by several persons who have assembled in a group, in acts of sexual violence as referred to in Article 609-2. Any person who commits acts of group sexual violence shall be punished with the penalty of imprisonment for a period ranging from 6 to 12 years. The penalty increases if any of the aggravating circumstances specified in Article 609-3 are concurrent. The penalty shall be reduced for a member of the group whose participation has less importance in the preparation or execution of the crime. In addition, the penalty shall be reduced for a person who is forced to commit the crime, when the conditions stipulated in numbers 3) and 4) of the first section and of the third section of Article 112 are concurrent.

609-9 – (Accessory penalties and other penal consequences) – The conviction for some of the offences specified in the Articles 609-2, 609-3, 609-4, 609-5 and 609-8 carries with it:the loss of parental custody, when the quality of the father or mother is a constitutive element of the crime; the lifetime prohibition of all responsibility relative to guardianship or curatorship; the loss of the right to alimonies and exclusion from the estate of the victim.

Art. 734-2 – (dissemination of the identity or the image of the victim of acts of sexual violence) – Any person who, in the cases of the offences specified in Articles 609-2, 609-3, 609-4, 609-5, 609-8, including via the mass communication media, divulges the identity or image of the victim, without his / her express consent, shall be punished with the penalty of imprisonment for the period of 3 to 6 months.