

## *The human rights approach and the importance of multi-agency work to combat violence\**

**Paola Degani**<sup>§</sup>

**Summary.** Addressing violence against women is a fundamental goal in achieving other gender related goals and represents a core issue in the human rights discourse. A key assumption today among those working to contrast violence and to protect the victims is that the multi-agency approach is the most effective instrument to prevent violence against women and provides the most comprehensive protection for survivors. Multi-sector backgrounds can produce useful results, both for people working in law enforcement and in the judiciary field to enhance the strategies to combat violence, as well as for those individuals that intervene in the different phases of assisting the victims of violence. In Italy the adoption of the National Action Plan against Gender Violence and Stalking confirms at an institutional level the value of a holistic system when fighting against gender violence using a human rights oriented approach.

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The interdependence of Human Rights is connected to the overall relationship between law and justice, an issue that, in the case of women's condition, underscores the more or less marked criticalities that are

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§Professor, University of Padua. E-mail: paola.degani@unipd.it

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dependent on the context. This fact is even more tangible when considering the phenomenon of violence against women, characterised by multiple dimensions, which, to be effective, requires articulate measures. It is therefore paramount to reflect on the importance of the human rights approach in seeking an intervention system which confers material and symbolic significance to the “victim of violence”.

This need has currently generated a series of obligations. They have arisen from international conventions and from the laws they foresee which, at the European regional level, have been expressed in the Council of Europe ‘Convention on preventing and combating violence against women and domestic violence’ (Convention 49/2011). The treaty tackles the conciliation of various dimensions - criminalization, prevention, and protecting the victims, in a more comprehensive manner.

As a starting point, any intervention to repress violence must be based on a system of measures aimed at reinforcing all potential preventive operative provisions and actions and at improving support structures so that victims find shelter and are protected. Operative procedures must therefore be coherent with the human rights paradigm, they must then be implemented into the national *referral* system, and this phenomenon needs to be monitored.

The lack of assistance and of support for the women who want to break free from situations of abuse or from more or less severe mistreatment; an often inadequate institutional response to potential victims who are notably more than the number of women who turn to the service system; in addition to an unprofessional competence of the working staff within certain structures and, at times, of governance structures in terms of public policies, which do not respond appropriately to the needs and expectations of the victims, does not help to mitigate against and punish violent conduct (UN Women, 2012).

Naturally, a victim will collaborate only if she trusts the professionals, if a personal connection is made, and if protection is effectively guaranteed, that is, if she feels physically safe. From an operative perspective, intervention procedures ought to be defined with the cooperation of multi-agencies subjects (Harvie & Manzi, 2011; Hague, Malos & Dear, 1996). The synergy of professionals with multi-sector backgrounds can produce useful results, both for people working in law enforcement and in the judiciary field to enhance the strategies to combat violence, as well as for those individuals that intervene in the different phases of assisting the women who have been the victims of violence (i.e. social workers, doctors, psychologists, lawyers, educators), (Kelly & Dubois, 2008). The call for intervention on the part of the women who are the victims of violence must

not be overlooked for it translates above all into an appeal for safety. It implicitly highlights the social dimension of being un/safe and the difficulty in taking legal action and in transforming the law itself. Most of the legislation on abused women has observable limits and problems.

The current legislation reflects, on the one hand, the difficulties in fully overcoming the obstacles that hinder fully recognizing the need to regulate intervention in the private/family domain, and on the other hand, the inherent limits of the punishment itself by means available through criminal law and the circumstances in which it may be activated; for instance, issues related to delayed/deferred procedures aimed at protecting women. For example there are specific difficulties that illegal women immigrants may encounter in Italy when seeking help from law enforcement authorities. In such cases they are not only the victims of abuse but they may also risk expulsion, as regulated by the laws on migration flow and on foreign permits.

An observation of the above mentioned profiles underscores the limitations of human rights law where accessing justice means that the States are still the main channel of justice, despite the processes of interdependence of single States within the international system. In other words, the process of affirmation and multiplication of human rights and the needs posed by a universal dimension reveals and discloses, in the phenomenon of interrelation among the different fundamental sources, the main implementation mechanism of internationalization. Undoubtedly, the debate in the political supranational arenas on violence against women is encouraging, nationally. Currently, an intervention system is being defined even at an operational level which could be more or less coherent with the guidelines and the obligations of *ad hoc* international instruments specifically devoted to protecting the rights of women, as well as the jurisprudence decisions. Italy is seeking to fill the gaps when it comes to protecting women's fundamental rights so that they may live free from violence.

Italy's adoption of the National Action Plan last year (NAP, 2011)<sup>i</sup> recognizes the value of multi-agency work. Furthermore, numerous and diverse initiatives have emerged, following the high homicide rate of women who have been victims simply because they are women. This highlights the vitality of a civil society and the vast response to this phenomenon, introducing into politics the language and instruments that have stemmed from female interaction, and at the same time the need to measure oneself with the institutions.

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