

Introduction: Professor Chiara Alvisi

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Thank you Ilaria for your kind invitation and for having organised such an interesting conference. I'm very pleased to be here today to welcome Prof. Riecher-Rössler on behalf of ADDU - the University of Bologna's women professor's association.

We are very fortunate indeed to have today the opportunity to listen to Prof. Riecher Rössler's presentation «**Women, Violence and Mental Health**».

Professor Riecher-Rössler has lectured at several of the world's best universities and is currently Professor Emeritus of Psychiatry and head of the Centre for Gender Research and Early Detection at the University Psychiatric Clinics in Basel, Switzerland.

Anita is one of Europe's most eminent experts on psychiatry, psychotherapy and psychoanalysis, and in 1998, she was the first woman to be appointed to a chair for psychiatry in a German speaking country. Furthermore, she is the author of many important books and essays on topics as diverse as mental disorders in women and early detection of psychosis.

Our distinguished key-note speaker has done very important research work on “bride price payment” and “the reproductive rights” of married Ikwerre women in Rivers State, Nigeria (I refer to two of Prof. Riecher-Rössler's essays entitled, respectively, “Bride price payment and women's autonomy: findings from qualitative interviews from Nigeria”, published in 2019, and “Autonomy and Reproductive Rights of Married Ikwerre Women in Rivers State, Nigeria”, published in 2017).

As a lawyer and professor of private law, and of course as a woman, I'm very interested in the issue of women's autonomy, the subject of the essays I've mentioned, which in particular examine women's autonomy within marriage, the family and the community. Women's autonomy is of course also a legal concept, but in many countries and communities it is mainly determined by custom and religion, which often disadvantage women.

In the 2017 essay, Prof. Riecher-Rössler and her co-authors conclude their research paper with these observations (and I quote):

“Respect for Ikwerre culture is inadequate without considering the adverse effect of permitting certain practices— such as using women as objects for sexual pleasure and permitting rape—on the pretence of preserving inherited cultural practices. In so doing, respect for cultural specificity would otherwise neglect basic human rights and accept the violation of women's reproductive autonomy on the grounds that this has always been the cultural practice. **Such blind respect for culture at the expense of human rights should also not be accepted because cultural relativism risks obstructing societal development. Respecting such cultural norms, without critically examining them, may result in policies and laws that are in favour of only half of the population—the men**”.

These remarks about the primary importance of women's self-determination as a fundamental human right that is to be preserved and protected regardless of any other conflicting cultural and religious value, deserve our attention and concern all of us, even in countries, such as those in the West, that perceive themselves as treating women well. This is most definitively the message to take home from today's celebration of the International Day for the Elimination of Violence against Women.

Also in Europe, we currently face a permanent conflict between the constitutional tradition of EU member countries and the different values and traditions of a significant number of legal and illegal immigrants from different countries in which women's autonomy is neither protected nor acknowledged, as it is in our constitutional legal systems.

For years there has been ongoing debate in many European countries concerning the extent to which the decisions of religious courts should be recognized, in particular arbitration of family disputes by Sharia courts, which are based on values that are in conflict with the human and fundamental rights protected by the EU and EU member states' legal systems.

Recently the EU Council parliamentary assembly with the 2019 resolution (n. 2253) "Sharia, the Cairo declaration and the European Convention of Human Rights" has addressed the matter of the acceptance of the validity of Sharia court decisions within the national legal system (as happened, for instance, in Greece) and has stated that this is incompatible with respect of women's fundamental rights. The EU Council has expressed its deep concern also about the British Shari'a councils, which operate in parallel with State courts by arbitrating family and inheritance disputes on the basis of Shari'a law. The Council remarked: "*The Assembly is concerned that the rulings of the Sharia councils clearly discriminate against women in divorce and inheritance cases. The Assembly is aware that informal Islamic Courts may exist in other Council of Europe member States too*".

It is worth noting that the Italian Supreme Court has been recently requested to acknowledge legal enforcement of a Palestinian court decision validating the repudiation by a Palestinian man (who also acquired Italian citizenship) of his Italian wife. With its decision of 7 August 2020 (n. 16804), the Italian Supreme Court held that the repudiation did not respect the wife's autonomy within the marriage and discriminated against the woman in two ways: firstly, repudiation is an act of gender discrimination (only the man can repudiate the wife, not vice versa); secondly, women are not granted any right of defence in repudiation procedures before Palestinian courts. Indeed, a repudiated woman's rights are limited to formally acknowledging that the repudiation by her husband took place. Additionally, the Italian Supreme Court held that repudiation violates Articles 2, 3 and 29 of the Italian Constitution, the prohibition of gender discrimination enshrined in Art. 14 of the EU Convention on Human Rights and Art. 16 of 1985 UN Convention against gender discrimination, in accordance with which, Italy undertook to grant both men and women '(c) the same rights and responsibilities during marriage and at its dissolution'.

Furthermore, the Italian Supreme Court held that a ruling on repudiation issued by a foreign religious court (in the case in question, a Palestinian Shari'a Court), while to be considered a sovereign State court decision, has no validity and therefore cannot be enforced in the Italian legal system because it infringes on the fundamental principles and rights mentioned in the Supreme Court's decision.

By doing this, the Italian judiciary formally established women's autonomy and self-determination as a basic and inviolable principle of our legal system.

I'm convinced that women's autonomy can only be advanced by the widespread existence of a strictly secular legal system and culture that protect respect for every human being's freedom with no exceptions whatsoever.

To achieve this aim, a huge amount of work needs to be done, but not just by lawyers. Changing attitudes, in this case the way men think about women and how women think about themselves in terms of rights and autonomy is a fundamental precondition for freedom itself. It is for this reason that Prof. Riecher-Rössler's work is so highly important.

I thank our guest very much and without further ado, I give her the floor. Thank you Prof. Riecher-Rössler.