

HUMAN RIGHTS AWARENESS
COLLECTED PAPERS 1997–2007



Edizioni di Human Rights Awareness

«We can no longer afford to take that which was good in the past and simply call it our heritage, to discard the bad and simply think of it as a dead load which by itself time will bury in oblivion. The subterranean stream of Western history has finally come to the surface and usurped the dignity of our tradition. This is the reality in which we live. And this is why all efforts to escape from the grimness of the present into nostalgia for a still intact past, or into the anticipated oblivion of a better future, are vain.»

Hannah Arendt

Noi non possiamo più permetterci di prendere ciò che era buono nel passato e semplicemente chiamarlo la nostra eredità, scartare il cattivo e semplicemente pensare ad esso come ad un carico morto che il tempo seppellirà nell'oblio. Il flusso sotterraneo della storia Occidentale è finalmente venuto alla superficie ed ha usurpato la dignità della nostra tradizione. (...) E questo è il motivo per cui tutti gli sforzi di scappare dalla mestizia del presente nella nostalgia per un passato ancora intatto, o nell'oblio anticipato di un migliore futuro, sono vani.

Hannah Arendt

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Capitolo 1

Premessa Foreword

L'associazione Human Rights Awareness è nata nel 1997, si è costituita ufficialmente nel 2000, e da allora ha svolto una modesta ma costante attività attraverso il proprio sito web

www.hrawareness.org.

Questo volume raccoglie i contributi apparsi sino al 2007, sia sotto forma di articoli della *Bi-monthly Newsletter* dell'associazione (pubblicata per soli 4 anni, dal 1997 al 2000), sia in forma di saggi dedicati a problematiche particolari. Non sono riportati gli appelli sottoscritti a nome dell'associazione, il contenuto delle mostre on-line accessibili dal sito, il primer di navigazione sui diritti umani che risulta di più agevole consultazione in un libretto separato, né materiale prodotto per la distribuzione interna come il catalogo della biblioteca ormai arrivata a circa 500 volumi. Mancano anche alcuni materiali recenti già presenti sul sito. La maggior parte di essi verrà inclusa in due libri in preparazione, il primo intitolato *Challenging Homophobia and Transphobia*, il secondo focalizzato sulla tortura tecnologicamente avanzata.

Abbiamo organizzato i saggi e gli articoli in forma tematica, per migliorarne la leggibilità, mantenendo comunque un riferimento alla data di apparizione sul sito web. Sono passati più

di dieci anni dai primi articoli, e nel frattempo molte cose sono cambiate. Nel caso di articoli non recenti, abbiamo ritenuto opportuno presentarli prevalentemente nella forma in cui apparvero sul sito web, ed aggiungere un commento sui cambiamenti intercorsi (ad esempio al principio della Parte III su Gay and Trans* Right, p. 61), come pure un sommario bilingue italiano-inglese qualora assente nell' articolo originale. Abbiamo operato anche qualche piccola correzione di forma per migliorare l' inglese che non segnaliamo. Tuttavia, rileggendo i testi inclusi nel volume, non può sfuggire una certa lungimiranza nell' identificare tematiche che sono diventate largamente discusse solo anni dopo: forme di tortura tecnologica e controllo mentale vennero denunciate nel 1998 attraverso la Nesletter, allora distribuita sulla USENET: "Burning brains, not books!" (§2.3, p. 39), con un ovvio riferimento al celebre romanzo di Ray Bradbury. Oggi assistiamo alla nascita di un movimento internazionale di denuncia; allora, era il modo migliore per farsi passare per matti nonostante le prove già incontrovertibili (e le ammissioni ufficiali). L' importanza del declino demografico per spiegare l' intolleranza verso alcune minoranze è stata pure discussa in quegli anni, molto prima che i mass media pubblicizzassero un qualche calo demografico. I tentativi di sopprimere le libertà civili, denunciati dall' associazione alla fine degli '90 si sono poi drammaticamente acuiti dopo l' 11 settembre 2001.

In dieci anni le difficoltà nel continuare l' opera di denuncia, di divulgazione e di studio dell' associazione sono cresciute notevolmente. La paura che i diritti umani fondamentali vengano lentamente erosi è più sentita che mai. Proprio in questi giorni si è usata la parola pogrom per gli incendi di alcuni insediamenti del popolo rom. Non si può essere certi che non si stia affermando una società bipolare: ufficialmente democratica e libera, totalitaria a livelli senza precedenti nella realtà. Né si può escludere che si stia scivolando verso "una grande vendetta" su minoranze oppresse ed emarginate, come indicato nell' articolo di HRA apparso nei primi mesi del 2000 e qui riprodotto ("Outstanding Human Rights Issues for the Next Century", §2.2, p. 26). E rimane inalterato lo spirito amaro che ci spinse a dire

che la persona del XX° secolo (§2.1, p. 23) – in opposizione a chi venne identificato dalla rivista **TIME** – è una vittima, tra i milioni di vittime senza nome, che i peggiori crimini contro i diritti umani come tentativi di genocidio, sparizioni, guerre, torture, ecc. hanno potuto causare.

Continuiamo, con la nostra flebile voce, a ripetere che questo è stato, ed a dire che è tuttora.

The association Human Rights Awareness was born in 1997 and was officially established in 2000. Since then it has carried out a modest but constant activity through the website

www.hrawareness.org.

This volume collects the contributions that appeared on the website until 2007, in form of articles in the *Bi-monthly Newsletter* (published for 4 years, from 1997 to 2000), or as essays devoted to specific problems. Appeals signed by the association, some content more easily accessible on-line, and the Navigation Primer of human rights sites that turns out of easier consultation in a separated booklet are not reprinted here. Nor is material produced for internal distribution, like the catalogue of the library that by now is reaching approximately 500 volumes. Some recent materials on the site is also not reprinted. Most of it will be included in two books in preparation, the first one entitled *Challenging Homophobia and Transphobia*, the second one focused on the technologically advanced torture.

We organized essays and articles following a thematic scheme, in order to improve readability, maintaining however a reference to the appearance date on the website. More than ten years have passed since the first articles appeared, and many things have changed in the meantime. In case of “old” contributions, we have thought opportune to reproduce them in the form in which they appeared on the website, and to add a comment on changes intervened in the last years (as for example at the beginning of Part III on Gay and Trans* Right, p. 61) and a short bilingual abstract whenever missing in the original paper. We have done also some corrections in order to improve style and English. However, rereading the essay included in the volume, some farsightedness cannot escape in identifying themes that have become widely discussed only several years after: forms of technological torture and mind control were denounced in 1998 through the Newsletter, then distributed on the USE-NET: “Burning brains, not books!” (§2.3, p. 39), with an obvious reference to the famous novel of Ray Bradbury. Today we see the birth of an international movement of denunciation; then,

it was the better way in order to pass as mentally disturbed in spite of the already incontrovertible evidence (and the official admissions). The relevance of demographic decline in order to explain intolerance towards some minorities was also discussed in those years, much before massmedia spoke of any demographic decline. The attempts at suppressing civil freedoms, denounced by the association at the end of the '90, dramatically aggravated since Sept. 11, 2001.

In ten years the difficulties in continuing the study, the diffusion and denunciation work of the association have grown remarkably. The fear that fundamental human rights are being slowly eroded is more felt than ever. Right in these days the word pogrom was used for the arson of several camps of the rom people. One legitimately suspects that a bipolar society is being created: officially free and democratic, but totalitarian to levels without precedence as a matter of fact. Neither we can exclude that we are sliding toward “a widespread vendetta” on overwhelmed and neglected minorities, as stated in the HRA article which appeared in the first months of the 2000, here reproduced (“Outstanding Human Rights Issues for the Next Century”, §2.2, p. 26). A bitter spirit pushed us to say that the person of XXth century (§2.1, p. 23) – in opposition to the person identified by TIME magazine – is a victim, among the million victims without name, that the worse crimes against human rights like attempts of genocide, “disappearances,” wars, tortures, etc. could provoke.

We continue, with our feeble voice, to remind what has been, and to say that it is still happening *now*.

Human Rights Awareness

Padova, 25 luglio 2008

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Parte I

Presenting Human Rights Awareness: Our aims, our concerns

. . . *the right given to one man to administer corporal punishment to another is one of society's running sores, one of the most effective means of destroying in it every attempt at, every embryo of civic consciousness, and a basic factor in its certain and inexorable dissolution.*

Fyodor Mikhailovic Dostoyevsky, *The House of the Dead*

Capitolo 1

Articles

1.1 DIRITTI UMANI: NE SIAMO REALMENTE CONSAPEVOLI?¹

Ogni individuo ha diritto alla vita, alla libertà ed alla sicurezza della propria persona.

Art.3 della Dichiarazione Universale dei Diritti Umani

In quest' articolo vengono presentate le motivazioni alla base dell' associazione HRA, tra cui l' assenza di una cultura dei diritti umani, e l' esigenza, per ognuno, di riconoscere di fermare gli abusi nel proprio ambiente sociale.

This paper presents the main motivations for the activity of HRA, among them the lack of a culture of human rights and the necessity to recognize and to quench abuses in our own social environment.

¹Articolo apparso, a firma di Paola Marziani, sul primo numero del 2003 della rivista trimestrale Gaia.

1.1.1 La Storia

Gli albori della legislazione fondamentale per la tutela i diritti umani risalgono alla formulazione dell' Habeas Corpus nella Magna Carta inglese del 1215: "nessun uomo libero potrà essere sequestrato o imprigionato o privato della proprietà né perseguito, se non secondo un giudizio legale dei suo pari secondo la legge..." Il concetto stesso di diritti umani trova però una collocazione fondamentale in epoca moderna, con l' affermarsi dei principi dell' illuminismo Il 26 agosto 1789 venne adottata la Dichiarazione dei Diritti dell' Uomo e del Cittadino, il manifesto politico ed ideologico della rivoluzione francese. Gli Stati Uniti ratificarono nel 1791 una speciale legge dei diritti (Bill of Rights) che è parte integrante della loro costituzione. La Dichiarazione Universale dei Diritti Umani – più articolata dei documenti Settecenteschi – è stata promulgata nel dicembre 1948 dall' assemblea generale dell' Organizzazione Nazioni Unite. L' importanza di queste dichiarazioni è enorme: il principio che ogni persona umana goda di diritti inalienabili si traduce in un documento di validità politica e morale. La Dichiarazione Universale è tuttora il documento di riferimento principale per la difesa dei diritti umani. Alcuni articoli della Dichiarazione Universale sono riportati quasi letteralmente nella costituzione italiana e in quelle di molte altre democrazie.

1.1.2 Quali diritti?

La Dichiarazione Universale sancisce tra l' altro che nessun individuo potrà essere sottoposto a tortura o a trattamento o a punizione crudeli, inumani o degradanti (Art. 5). Inoltre, "nessun individuo potrà essere arbitrariamente arrestato, detenuto o esiliato (Art. 9)" e "nessun individuo potrà essere sottoposto ad interferenze arbitrarie nella sua vita privata, nella sua famiglia, nella sua casa, nella sua corrispondenza, né a lesione del suo onore e della sua reputazione..." (Art. 12). "Ogni individuo ha diritto alla libertà di opinione e di espressione incluso il diritto di non essere molestato per la propria opinione e quello

di cercare, ricevere e diffondere informazioni e idee attraverso ogni mezzo e senza riguardo a frontiere.” (Art. 19). È importante sottolineare che non possono esservi eccezioni. Se si trova anche una piccola minoranza o anche un solo individuo per cui questi diritti non valgono, si apre un bizzarro corridoio di ingiustizia e discriminazione che serve solo a rendere possibili abusi su scale sempre più grandi. È egualmente importante capire che i diritti fondamentali sono interrelati: non si può lottare efficacemente contro gli abusi nei riguardi di una minoranza in un paese dove non vi sia libertà di stampa ed, in generale, di diffusione delle idee.

1.1.3 L' ideale e la realtà

La storia del XX° secolo mostra quanto poco le dichiarazioni universali siano servite a milioni e milioni di esseri umani. Forse non sembra evidente leggendo i quotidiani, ma molti dei diritti fondamentali sono stati e continuano ad essere violati sistematicamente, anche nel cuore dell' Europa. Nel 1961 venne fondata Amnesty International con la pubblicazione di un articolo, “The Forgotten Prisoners”². Da allora Amnesty ha ottenuto crescente diffusione ed attenzione; oggi sono presenti gruppi in 140 paesi. È interessante notare che nello stesso anno venne fondato anche il World Wildlife Fund (WWF), e nel corso degli ultimi quarant'anni ha avuto uno sviluppo verso un' organizzazione di diffusione mondiale con attività in più di 150 paesi che sembra curiosamente parallela a quella di Amnesty. Dalla sua fondazione, Amnesty ha svolto un ruolo fondamentale nell' aiutare innumerevoli persone incarcerate ingiustamente, torturate o condannate a morte e nel sensibilizzare l' opinione pubblica europea ed americana sui diritti umani.

²Peter Benenson, “The Forgotten Prisoners,” The Observer newspaper, London, United Kingdom, 28 maggio 1961. Il caso di due studenti portoghesi che avevano brindato alla libertà aveva spinto Benenson ad un gesto che avrebbe trovato un eco in tutto il mondo (all' epoca nell' Europa occidentale sopravvivano dittature sia in Spagna che in Portogallo).

1.1.4 Oltre Amnesty: La responsabilità collettiva alla base della nozione di Diritti Umani

Un' analogia fondamentale tra movimento ecologista e "movimento" dei diritti umani è la necessità di ottenere una consapevolezza collettiva del valore dei diritti umani. Se una persona si rende conto che le pile contengono sostanze nocive, e che gettarle nell' immondizia provoca danni sproporzionati all' ambiente, da sola può fare molto poco. Oggi, non è un problema: si portano le pile scariche dal più vicino tabaccaio, ma non era così vent' anni fa. Occorre che più o meno tutti agiscano nello stesso modo. Lo stesso si può dire dei diritti umani. Se una persona, per qualsiasi circostanza, si rende conto che una minoranza o degli individui vengono perseguitati, cosa deve fare? Se rimane estranea agli abusi, ma sola, avrà fatto ben poco; se li denuncia, deve trovare una risposta collettiva o una struttura sociale che li blocchi efficacemente. Occorre quindi che il "movimento" dei diritti umani coinvolga non solo una ristretta élite, ma che al contrario, i principi fondamentali e gli atteggiamenti che li realizzano divengano parte della cultura e del comportamento di tutti.

1.1.5 Poca sensibilità per i diritti umani

Esiste una cultura dei diritti umani in Italia ed in Europa? Si è portati a rispondere di no. In Italia, l' attenzione dell' opinione pubblica sembra essere centrata sulle esigenze della sicurezza, e non sulla preservazione dei diritti fondamentali. I sospetti sugli aiuti che apparati dello Stato abbiano aiutato terroristi a commettere stragi non sono mai stati smentiti. I processi hanno durate indecenti e lo stato Italiano ha collezionato il maggior numero di sentenze di condanna dopo la Turchia dalla Corte Europea dei Diritti dell' Uomo. Dagli USA ha operato un sistema di controllo globale delle comunicazioni (Echelon³) per fini

³Ph.Rivière, How The United States Spied on Us All, Le Monde Diplomatique, gennaio 1999. Di interesse è S. Rodotà, L'occhio di Echelon e la società

di polizia, e per l' Europa è stato proposto un sistema analogo (Enfopol⁴). Si pensi alle difficoltà che tante minoranze linguistiche in Europa hanno sopportato per poter esprimersi nella propria lingua. L' intolleranza nei confronti di minoranze sessuali, degli immigrati, delle minoranze religiose è tuttora radicata in alcune fasce della popolazione. L' educazione è assai poco rivolta a problematiche dei diritti umani. Sino a non molti anni fa persino l' Olocausto era una specie di tabù.⁵

1.1.6 L' educazione ai diritti umani

Perché sono possibili tragedie come il genocidio, lo sterminio di massa che coinvolgono milioni di persone? Il fatto che non si sappia dare una risposta esauriente è già di per sé preoccupante. Tuttavia, come nei cicli e nei conflitti di natura economica, vi sono delle condizioni che si ripetono e che rendono possibili lo sterminio di massa. Tali condizioni possono essere di natura antropologica, sociale, economica, naturale, ed i meccanismi che portano verso una risposta così razionalmente assurda come lo sterminio di massa sono ancora in gran parte da chiarire. Esistono dei rimedi efficaci, immediati? La risposta è no. Non si possono modificare i rapporti tra società e strutture politiche nel giro di pochi anni. Continueremo a parlare di diritti umani, e ci saranno ancora guerre e genocidi, le due catastrofi più evidenti. L' unica soluzione realmente efficace è prevenire gli abusi attraverso l' educazione. Un' educazione che non può essere unicamente astratta ed intellettuale, ma che deve farci sentire in prima persona l' ingiustizia e la profonda iniquità di tante si-

trasparente, La Repubblica, 6 aprile 2000.

⁴EU & FBI launch global telecommunications surveillance system, Stawatch bulletin, January- February 1997, vol 7 no 1. Si veda anche Enfopol, le eurospie partorite da Echelon, La Repubblica, 26 giugno 1999.

⁵L' Olocausto non veniva studiato nei corsi di storia, e in enciclopedie per ragazzi diffuse in Italia come Conoscere o Vita Meravigliosa non se ne trovava traccia. Nello stesso tempo, la letteratura legata alla seconda guerra mondiale per quanto riguardava storia, strategie, ed esperienze militari era pressoché sconfinata e di facile accesso.

tuazioni che speriamo di non essere mai chiamati a vivere in prima persona.

1.1.7 L' Associazione

Human Rights Awareness è un' associazione "non-profit", non governativa (registrata come associazione di volontariato presso il Comune di Padova) che si propone di creare una cultura cognitiva dei diritti umani, non considerando interventi su singoli casi, ma agendo sull' educazione e su paradigmi culturali. Il metodo adottato coinvolge l' individuazione di analogie tra situazioni presenti e future, la ricerca dei fattori antropologici, sociali e psicologici che possono portare alle violazioni dei diritti umani, e soprattutto alla loro ripetizione in un futuro prevedibile. A tal fine ci proponiamo anche di divulgare il contenuto di pubblicazioni accademiche altrimenti difficilmente accessibili. Abbiamo cercato di dare a questo percorso una dimensione non esclusivamente sociologica ed antropologica creando due mostre on-line che possano evocare sensazioni profonde, e facciano intuire gli aspetti ingiusti ed arbitrari della violazione dei diritti umani. La prima, *Prelude to the Holocaust*, mette in luce come i meccanismi di discriminazione e di istigazione all' odio che operavano nella società tedesca degli anni Trenta, operino tuttora. La seconda, *The Art of Human Rights*, cerca di rendere ovvia l' assurdit  e la brutalit  delle violazioni dei diritti umani, attraverso opere come l' impressionante *I Disastri della Guerra di Goya*. Stiamo preparando un percorso educativo a vari livelli per coloro che vogliano approfondire le tematiche dei diritti umani. In questo ambito stiamo collezionando poesie e brani di opere letterarie che sensibilizzino ai diritti umani.

1.1.8 Il futuro incerto

Soltanto un paio d' anni fa molti credevano di essere ad una svolta. Le azioni di guerra nel Kosovo sembravano avere delle motivazioni prettamente umanitarie. Era un' illusione, ed   bastato molto poco per dissolverla. Dopo l' 11 settembre 2001,

arresti e detenzioni più o meno arbitrari sono tornati all'ordine del giorno. Senza considerare le possibilità al limite della fantascienza che sono state aperte da nuove tecnologie di sorveglianza. Neppure un principio così antico e fondamento della civiltà giuridica occidentale come l' Habeas Corpus sembra essere più garantito. La porta del corridoio verso la barbarie rimane sempre aperta.

1.2 ARE HUMAN RIGHTS TRULY UNIVERSAL?⁶

The UDHR can serve as a “magna carta” to set the basis for an Human (and individual) Rights-centered society.

La Dichiarazione Universale dei Diritti Umani può servire come una “magna carta” per gettare le basi di una società centrata sui diritti umani e sui diritti individuali.

The year 1999 has been the date of an important anniversary: the Universal Declaration of Human Rights (UDHR) emanated on Dec. 19, 1948, has become more than 50 years old. Approved by the UN general assembly just a few years after Europe's worst human right disaster of the century – W. W. II – the UDHR has become since then a reference and source of inspiration for human rights activists worldwide (including Amnesty International, Human Rights Watch, and ourselves), and part of its text has been literally “cut and pasted” into the constitutions of countries born since that time. Yet, the UDHR general validity is being challenged from several sources, some of them within Western Europe. Some see the UDHR a reformulation of Western “cultural imperialism.” Others see in the UDHR a

⁶HRA bi-monthly Newsletter, August 1999, Vol. 3, No. 4

re-edition of moral absolutism. A dilemma human rights activists often face – in front of complaints of “interference with internal affairs” of a nation – is how far one can go in applying the UDHR principles. Is it coercing into compliance of a tradition alien to extra-European countries, whose customs are being tramped upon? Can we legitimately defend the rights of women in Afghanistan and at the same time avoid the charge of “cultural imperialism”, since we are criticizing consolidated traditions which are so different from our own? This issue is not unlike the issue about the boundary between education and indoctrination of children. Is education imposing norms and rules which are relative to a particular culture and social system, and that may hamper the free expression and unfettered development of the child? Where is the limit between liberating and empowering learning – and the inculcation of burdensome notions yielding to the uncritical acceptance of a misleading cultural system? Where an educational system – yet to come – that sets “human rights” in its center, may step into a dogmatic, freedom-quenching sets of rules? To address these questions it is perhaps helpful to consider two extreme situations.

1. a young woman in a Western country becoming, by her choice, a nun – going to live in a monastery under the vows of poverty, chastity, and obedience. Many would see this choice as limitative, even self-destructive and nihilistic. Yet, this choice may be highly praised within that girl’s social environment.
2. The second situation is the one of members of a Bondage – Domination – Sado – Masochistic (BDSM) group. A young woman submits to the tortures and “punishments” that are inflicted her by the “dominants” in the group – who openly enjoy and are sexually aroused by the practice. Does this membership or even the existence of BDSM groups pose an ethical challenge? As human rights activists we should be bound to fight any form of slavery (explicitly condemned by the UDHR). Should thus we regard the BDSM group members as the worst form of “mon-

sters”? Even if not, should we see these BDSM practices as a form of mockery with respect to the many people that are still being tortured around the world?

While the first example may be familiar especially even among old-fashioned “volterrians,” the second example may evoke anger and dismay even in “open-minded” readers of this essay. It is an example that involves social groups whose existence is yet barely appreciated in many Western countries and whose activities, albeit almost private, are still violently ostracized. In other words, there is yet no widespread cognitive culture on the BDSM sexual orientation. The two examples are enlightening because one is objectionable under conventional moral wisdom, but its consideration is likely to change in the near future, and the other has gone from a socially-accepted choice often imposed by economic and social conditions to a free choice which is objectionable because it is limitative. Yet, is it legitimate to condemn them on the basis of the UDHR?

The conundrum may be solved if it is taken into account that the UDHR is the reaffirmation of individual rights (or of the right of minorities) in front of powerful organized groups like the state, and any consolidated institution. Every individual has the right to choose his or her own condition – as well as to back away from any previous choice. Some innocuous choices will appear perforce limitative or outrageous to many. Yet, there should be no ostracism.

In a world that is becoming more and more “homogeneous” because of globalization, human diversity should re-emerge from the acceptance and the encouragement of diverse individual behaviors. In the first example, a girl may take vows because that choice is consistent with her education, her religious inclinations and her aversion for material life. We may not share these feelings or the same personal history, but the choice must be felt as perfectly acceptable. Similar considerations hold for the BDSM case. Diversity cannot be understood only in terms of religious or political beliefs. Sexual orientation plays a role as well. “Sex governs everything”, to cite Walt Whitman. A consensual BDSM relationship is built for the pleasure, empowerment

of all partners involved. Both those with a truly dominant personality and those on the submissive side are felt free to express themselves in this framework. It should be absolutely no scandal. It is demonstrated that those people behave among themselves and with respect to others in a very responsible way. On the contrary, the inability to liberate this side of personality generate frustration and dissatisfaction. It is the principal tenet of psycho-analysis that repression of sexual instinct generates psychosis. Keeping such inclination hidden and sublimating it in societal behaviors may be more stressful and even dangerous. People which are well adjusted within themselves and can freely express themselves may not be prone to seek scapegoats for their problems. tortures must be removed from law enforcement and from real life – and the only realm where they can or survive is as a sexual play between consenting adults.

Assigning highest priority to individual choice does not necessarily mean that consolidated institutions would suddenly disappear, a fear that has brought such institutions to take a violently repressive stand to preserve themselves. Some of them – like all the main churches – are closely linked to the well being of people and satisfy needs which are anthropologically rooted. In a “relaxed” individual rights centered society, human diversity and mores will recreate themselves in an endless and dynamic way in different communities according to the orientations and the exigencies best suited to everyone. Thus the “ingerence” must be in the sense of individual right to choice – not in favor of any political system or religious belief or system of values. This is why the activity of Amnesty International is ethically coherent with the UDHR. An endless variety of political systems is possible given that constraint.

There are several conditions yet to be met to make this HR centered society possible. Unfortunately, too many in the EU and in the USA ostracized simply because “what they are, they cannot be.” We live in a world in which minority behavior are often stigmatized. The smaller the minority the sharper the stigma. In general, “compact majority” members share the same form of behavior, feel that they are ethically right, and attack

minorities claiming that the target minorities are attacking or mocking the most cherished, pro-life values of the community. This may still be the case, in present days, of the BDSM minority. This is a danger most Western democracy face. Emma Goldman pointed it out at the beginning of the century, and we have called it “the paradox of the sacred tree.”

The premises to make an individual rights centered society real are based on:

- education emphasizing the spontaneous acceptance of human diversity and of individual rights starting from early childhood. Instinctive behavior drives toward aggression of the weaker and of the different. Therefore, efficient education must become empowerment, and leave everyone with inner deep, bad feelings if any instinctive reaction pushes against harmless but different behavior.
- absence of any structured group imposing with force particular, time- or location-dependent norms. Society must create organized groups to create opportunity – but limit enforcement of rules to the strict necessary, i. e. against behaviors that are violent and harmful toward others, and ensure that such enforcement is not biased and is carried out in an efficient way.

These expectations are not met, and are not far from utopia. It may be sufficient to think that tens of millions of people lost their life in wars during the last year. However, acceptance of diversity is a present necessity. BDSM is not mockery of torture. Otherwise, claims of mockery should apply to gambling, for example, as a mockery of deep poverty, and henceforth to any wide majority ignoring a disadvantaged minority. This hypocrisy is too often not obvious as it should be. A “relaxed society” is a society in which every person has equal opportunity – and in which everyone is prepared to recognize and accept different individual behavior that is transgressive but harmless. Considering that the current trend toward globalization seems unstoppable, a “relaxed society” is the only conceivable alternative

to a dull, uniform world, where globalization would ultimately mean “conformation,” loss of diversity and of originality, and may, in the forthcoming century, bring a sole system of thought, a sole political system, and ultimately an endless dictatorship, more powerful and thought controlling than every dictatorship ever known on earth.

1.3 REFLECTIONS ON HUMAN RIGHTS: IS THERE COLLECTIVE AWARENESS?⁷

Collective awareness and social pressure acting in favor of human rights appear to be still missing even nowadays.

Consapevolezza e pressione sociale che possano influenzare i comportamenti individuali verso il rispetto dei diritti umani sembrano essere assenti ancora oggi.

It is a sad truth that the worst human rights violations go unpunished. The crimes of the worst serial killers pale in comparison with the extent human rights crimes affect the lives of innocent people, who are sometime even unaware that violence is being perpetrated against them. And it is disheartening to see how perpetrators attempt to discredit their victims, to reduce the reality and tragedy of their sufference to nothing, and in some cases, to spoil them of their victim status, and to turn them into dangerous “subversives.” It is the experience of HRA associates that, whenever police or the military are confronted with the accusation of abuses, they make a first hand attempts to discredit, or even to ridiculize or to criminalize the victims. And it is even more disheartening to see how easily they are believed, since they are backed by institutions and structures whose aim are often identified with the needs of society at large. So

⁷HRA bi-monthly Newsletter, June 1998, Vol. 2, No. 3

goes the case of atomic experiments on unaware people carried out in America. Who is talking about it? We learn about such experiments thirty years after. That is probably the minimum time needed to the perpetrators to be above of the law. With this thirty years delay we learn also of other tremendous abuses. We learn that Sweden lobotomized children and adults in an arbitrary and unlawful ways. Thousands of human beings spoiled of their ... being in a peaceful and neutral country in many other ways above any suspicion. Or did have Swedes any compelling reason to commit such horrifying mutilation? And we learn of another horrible case, demential and absurd as every one of such cases looks. A woman, a long time activist for women rights and for socially marginalized people had been kidnapped and raped. Thirty years after - we learn, from the military police of that country, that it was the military police themselves that raped and kidnapped the woman. Officially. And without hope of justice. And we remark, the woman is the wife of a Nobel Prize.

And if we learn of crimes that have happened right now? Most people turn aside immediately. So goes the case of the sinking of an old Albanian boat in the Adriatic sea in 1997 caused by an Italian warship. Much different was the attitude toward other boat people fleeing from other troubled countries, since their case could be exploited for political purposes... But now it is just innocent, poor women and children. No matter that, they are turned by the media into dangerous "criminals" with mafia connections. And the claims that now it is different? And the reassurance that in the past just a few were involved? Too often denounces of human rights abuses are dismissed as paranoia of warped minds. Too often the commonplace "such things do not happen in this country" helps the perpetrators deny the reality of any human right violation. Police act outside of the law, but with the support of people. Would you hamper police work if they simply ask you to search without a search warrant? If you dare to do so, you know that then they may retaliate... Now switch on TV. What do you see? Movies and shows that invariably perpetuate the stereotype of the hero cop - youthful and athletic - fighting against sexually deviant (if the movie is for

an adult public) or at least aesthetically repellent criminals (if the movie is for children). It is certainly not an aim of HRA to diffuse gratuitous libel or to defamate anyone, but it is the aim of HRA to identify potentially exploitative situations, no matter how unpleasant that denunciation may appear. We really see that basic civil rights are slipping onto words written on paper without a corresponding place into citizens' minds. It has not always been so, but now times are changing. The generation that has lived thorough the devastation and sufferance of W. W. II is growing old and dying out. People of that generation had some basic human rights issues tragically written on their skin. Will the baby-boom generation allow that, without correct information and awareness on basic human rights issues, several Western democracies might be silently but quickly turned into police states?

Parte II

The Millennium Papers

Capitolo 2

Articles

2.1 PERSON OF THE XXth CENTURY¹

Who deserves to be celebrated as Person of the XXth century is, in our opinion, one of the countless victims of hate, racism, genocide of the past century.

La persona del XX^o secolo è, per noi, una delle infinite vittime senza nome che l' odio, il razzismo e le guerre hanno prodotto nel secolo scorso.

Our choice of a person of the century wants to mirror the choice of TIME magazine to testify the “buried history of hatred.” The person of the century has million of names, and is nameless, too: it is a person among the ones who perished as victims of genocide, war, hatred, and bigotry during the countless human rights tragedies of this century.

Several millions of people perished because of the Nazis' genocidal attempt; even more are said to have perished because of deportations and executions in the Soviet Union under Stalin's dictatorship. Thus the person of the XXth century is most likely to be one who died in Nazis' or in the Soviets' concentration camps; but we may think as person of the century anyone who lost his or her life struggling for the peaceful affirmation of

¹HRA bimonthly Newsletter, December 1999, Vol. 3 No 6

liberty and fundamental rights, like women that lost their reputation fighting for the right to vote or to practice the medical profession; innocent victims of the many Fascist dictatorships that plagued Europe till the last decades, in Spain, Portugal, and Greece; homosexual and transgender persons who fell victims of hate crimes just because they wanted to reaffirm their identity; activists who died advocating the rights of persecuted racial minorities; anyone who perished under the hands of torturers; the most forgotten people that “disappeared” and never came back because of death squads and state terrorism . . .

Modern states have gathered unprecedented destructive power. Torture, mass murder and other abuses have been “industrialized” and put on a scientific basis. This has made it more difficult to withstand them or even to recognize them. The fight against, and the denounce of the most horrible abuses have been almost always discredited and disregarded, as “subversion” or even as “madness.” Modern states – including the US and several countries that are now part of the European Union – most often did not acknowledge the struggle for civil and human rights occurring at a given time as a valuable struggle; states and governments rather attempted to discredit human and civil rights advocates as morally dubious, anti-social elements. Some of them became “nasty madmen” if they attempted to lift the thick barrier of silence and complicity that governments, military and police wanted to keep over their crimes. The unspoken and buried truth on the death of millions is almost always ignored by history textbooks focused on battles and leaders. This barrier of silence is really a high fence of barbed wire that separates the victims and human rights abuses from the “official” world – always “legal,” “progressive,” and “fashionable” – in which tremendous achievements have been possible during this century. The struggle against human rights abuses and for civil rights is history that is still seen as “nasty,” “marginal,” as dealing with “things that have to be forgotten,” “things that do not happen anymore,” unless it is history that happened in a distant past and that does not involve living people anymore (as it is now the Holocaust) or that happened in a distant geographical location.

Surveying encyclopedias written for the youth in the Fifties and Sixties, one cannot be taken by the impressive optimism, desire of growth and progress, by the positive thoughts that permeate them. Nothing is to be found there, for example, about the Holocaust, which was then recent history.

The first step to avoid the repetition of the heights in savagery and cruelty achieved in this century it is to acknowledge the buried history of hatred – and to recognize the social, economical and anthropological factor that make hatred a driving force of collective behavior in the social environment we are living in. It is impossible to appreciate the tremendous technological progress of this century without considering the “subterranean stream” of death and suffering that co-existed with it, since it skirmished even some of the great intellectual creators – Albert Einstein and Alan Turing, to name just two – to which part of that progress can be ascribed. Until everyone will not know about the self-sacrifice and the efforts needed to fight for the affirmation of minority rights against the opposition of a whole society – let it be right to gather, to vote, to wear pants, or to cross-dress – and be able to recognize the re-occurrence of same exploitative patterns for different minorities, the value and the meaning of our most valuable not only social, but also intellectual and scientific conquests will be always in jeopardy.

2.2 OUTSTANDING HUMAN RIGHTS ISSUES IN THE NEXT CENTURY²

People in the XXIth will suffer again many of the crimes against human rights denounced in the previous century because of an endemic presence of “nazi” attitudes, made worse by the absence of a cognitive culture of human rights and by new technologies that make extreme abuses possible.

Il XXI^o secolo riprodurrà molti dei crimini contro i diritti umani del secolo precedente per la presenza endemica di atteggiamenti “nazisti”, aggravata dall’ assenza di una cultura cognitiva dei diritti umani e da nuove tecnologie che rendono possibili abusi gravissimi.

2.2.1 Introduction

We live in an apparently high time for human rights. The communist regimes of Eastern Europe have collapsed; the notion of “humanitarian intervention” seems to have become a reality to stop ethnic cleansing and mass murder. A former Latin-American dictator has been arrested in Europe and is being detained at house arrest awaiting extraditions on charges related to crimes committed during his tenure. Human right advocates and organizations are evolving into a human rights movement, which is likely to influence the way we think on international politics, as the Greens have influenced the way we think on environment. Human rights are on the mouth of everyone. Yet, besides these apparent triumphs, there are reasons for deep concern. I will start considering the most basic and perhaps abstract ones to progress toward more particular issues. I will restrict this analysis to the present and foreseeable situation in the USA and in the European Union (EU).

²HRA Ref. 2000/1

2.2.2 Endemic “Nazi” Attitudes

The endemic presence of Nazism has not been fought efficiently after W. W. II. I am not talking here only about the Nazi and Fascist party as they arose in the Twenties and Thirties. That is an historically delimited movement, and its epigones are likely to be confined to a minority at least in the coming years. Much deeper is the concern regarding some key Nazi attitudes that seem to survive in modern society: the exaltation of youthfulness, physical fitness, health, to the point of discriminating and despising the ones that are, in a word, “unfit.” These features are anthropologically surcharged: they are obvious and instinctively related to reproductive ability. Too often beauty and fitness are, instinctively albeit wrongfully associated to ethical rightfulness. Abeyance to some “core norms” in reproductive behavior (for instance, having family and children) is also confused with ethical rightfulness: “moral corruption” can still be a synonym of “sexual diversity”. The connection ethical-righteousness – fitness also leads to an instinctive rejection of everything that belies the “role model” traits, and sometime to endorsement of (or to the silent consent to) serious abuses. One may be perfectly right, but it may much more difficult to achieve sympathy and understanding if “unfit.” TV and Hollywood are having a tremendous responsibility in spreading this equivocal commonplace, which is nothing else than savagery in disguise. This attitude can also lead to diffidence and mistrust toward reasoning and rationalism, and it is not far from some Nazi predications. Several aspects of Nazi ideology can indeed be seen an utopia of irrational self and group affirmation, distrustful of reason and intellect.

2.2.3 No Culture of Human Rights

A second issue is the absence of a widespread culture of human rights based on the Universal Declaration of Human Rights (UDHR). Most people do not think on the basis of the UDHR, or even on the basis of the fundamental laws of their countries,

which are often based on the principles set in the UDHR. For example, speaking of homosexuals and transgenders, someone asked “Why should we respect those ‘dirty pigs’? Who are we?” The wish to “get rid” of deeply despised people is exactly the opposite of the attitude that inspired the UDHR. The UDHR is the reaffirmation of the right of individuals and minorities against more powerful groups – let it be the state, whole society, or simply a large, organized group within society. There are occurrences in which everyone in a group would instinctively agree that some people deserve violence, or cruel punishments or even death. The recent murder of a US soldier suspected to be gay points out how reason-numbing such forces are.

Here there is a cultural hole. Reason and education should remind everyone – above any instinctive urge – that cruel or systematic violence against a despised minority may ultimately destroy the perpetrators and not the targets of violence. There should be no cruel, degrading or unreasonable and random ‘punishments.’ It has been demonstrated that deterrence (i.e., death penalty) does not work against violent crimes. On the contrary, a climate of widespread fear has a strong deterrence against positive achievements. Fewer persons would be tempted to stand out as achievers if this may bring, instead of rewards, suspects and persecution. Any modern state or government or large group fostering systematic violence – even if only against a segregated minority – will be not only ethically delegitimated, but may condemn an entire society or civilization to extinction. Burning witches at the stake or gassing hundreds of people at once are actions defining the society or government that carries them out. We now see such societies – and not their victims – as brutish, marred by insanity and ultimately doomed.

Individual freedom is not yet accepted, and human right issues are not seen as worthy issues by most people. TV shows and movies, and even Mickey Mouse’s comics – more often instigate in adults and children the foundations of a police state, rather than let them assimilate the principles of the UDHR. In Mickey Mouse’s comics, for example, attorneys are often portrayed as the accomplices of the bandits, and cross-dressing

is practiced only by the most deceitful criminals. Several Hollywood movies insinuated hatred or at least diffidence against transgenders or even any transgender feature, associating such features to ethical wickedness. Such faulty associations go unchallenged wherever a culture of individual rights and sexual diversity is missing. All the errors that were once of nationalism are now repeated on sexual minorities: the core value of “fatherland” and “country” has been substituted by the aspiration to an happy sexual life, but the notions that someone may live his or her own sexual life in a different way is not accepted or is sturdily rejected. Sexually different behavior is even confused with “enmity/”

2.2.4 States and Government Crush Individual Rights

On a second stance comes the imbalance of power between state and individual, and the lack of a consolidated way to gain a remedy against human rights abuses. Responses to human right abuses are poor not only because of the lack of a widespread culture of human rights but also because of missing social structures. There is no human right “red cross” or human rights phone “hot line.” If you pass a person wounded in an accident, you stop your car and call an emergency number. What if someone comes to you and tells you that he or she has been victim of police harassment? You cannot call the police. Often, the first reaction is one of disbelief, turned on second thoughts in attempts to discredit the victim or even to justify such abuses (“if they hate you they must have good reasons”). None wants to know. We now live after a twenty-year-long propaganda on TV shows, almost invariably depicting police as brave and rightful, fighting against non recuperable, sexually deviant, extremely evil criminals. This stereotype has been enforced by mass media in Europe and America. It was not so 30 years ago. But now, in Italy as well as in America and other EU countries, if a person is murdered or a robbery, efficiency of police is not even mentioned: the issue is to put more and more police on the

street, more surveillance camera in every corner of every public or semipublic place. Attention toward individual rights is being constantly eroded by the collective need to feel more secure. This has created a power group with a tremendous and unchallenged influence in everyday life, and can suppress awareness of abuses. Abuses most often go unpunished. They are sometimes barely reported. Abuses appear even legitimated by a superior cause. The main aim of some police corps has been less and less related to their original service, and increasingly associated to the preservation of power and status, often achieved with illegal means (see the scandals described in *Tainting Evidence* by Phillip Wearne and John Kelly). It is a sad truth that police or the military, if aware of abuses committed by their members, will attempt to cover up everything with a behavior that closely resembles that of the worst criminal, but with much more powerful means and from the vantage position of a favorable social status (see, for example, the No Gun Ree case). Think how different the consideration and influence of police was at the end of the XIXth century or in the late Sixties.

The imbalance of investigative capability between police and private citizens is part of the imbalance of power between state and individual. If evidence is tainted because police is biased or inefficient, it may be impossible to prove it. Court debates are often focused on the personality of the defendants, not on facts, and are more aimed at answering the question “Is the defendant a nice person, one of ‘us?’” rather than at discussing physical evidence. In several cases in both the USA and the EU, evidence in favor of the defendant has not been brought to court to ease a conviction. The police apparatus – and thus the investigation – serves the interest of the prosecution, not of the defense. To level the disparity between defense and prosecution it would be necessary to have two independent investigative structures – which could carry out “investigation on demand” for either party. Otherwise the outcome of trials could be set by the babbling of attorneys (and ultimately by money) – a treason of justice. An independent structure is obviously even more needed in the case the police is accused of abuses.

2.2.5 Media Abuses

Media abuses – tampering with information – tend to destroy fundamental civil rights, and have now gone even beyond the ones described in George Orwell’s novel 1984. An impressive sequence of people crying in front of the camera has been broadcasted by European TV around the time of the Kosovo NATO intervention. With the respect and compassion we all nurtured for the refugees, we immediately realized that such pictures were repeated in such obsessive way that they stem out from the realm of information to become propaganda – propaganda in favor of war. This is perhaps just the top of the iceberg. Right in 1999 the general public was informed of the so called Mitrotzkin Dossier, which describes the spy network of the Soviets in Western Europe. It is impressive to learn that a deliberation of the Soviet authorities could translate into newspaper articles in the Western European press attacking this or that personage. The Dossier tells that Eastern secret services played a role in the social and intellectual life of European countries. It tells also that this influence was rather limited and circumscribed. Much larger was – and still is – the influence of Western secret services in manipulating and filtering information, in orienting the attention of the public opinion, and in creating successful careers for selected individuals. On Geocities a whistleblower of a Western secret service published a list of undercover agents, several of which worked as journalists. It is not difficult to guess that they may be able to write articles in newspaper in a way consistent with the demands of the agencies for which they work. We have seen Kosovo refugees crying in front of cameras but at a conference a Kurd leader said that Kurd activists had a very hard time in finding a Western TV crew to come and document massacres by the Turks. The impression is that the information is “being filtered” and that only a part of it is being brought to widespread attention, especially on prime time on TV, when the largest audience can be reached.

2.2.6 New Ability to Tamper and Torture

Tampering with information goes together with increasing monitoring and tampering ability by police and government agencies. In an EU country (not of the former Communist block), state TV reported that secret police keep files on several hundred thousand people (basically almost everyone politically and socially active, of higher education and in position of responsibility). The so-called project Echelon speaks for all. Echelon – monitoring activities that would be able to track every form of electronic or voice long-distance communication, developed under the leadership of the US – has now become an household name. Echelon is being investigated by the EU commission, as well as by the American Civil Liberties Union. Apart from Echelon, cameras have become, by the late 1999, extremely widespread. Cameras cover almost every public or semi-public places like supermarket, train stations, public buildings, streets and squares, hotel halls in several EU countries. A “surveillance tape” turns out often and apparently of nowhere during investigations. Videotaped sequences are used more and more as a form of evidence. However, it is too often forgotten that such sequences show something, but seldom demonstrate anything. Especially in the presence of a biased audience and of biased reporting, a sequence may appear as “obvious evidence” while it may be appear meaningless if carefully and critically reviewed.

Micro-cameras can be hidden very efficiently in walls and even in garments and accessories. They can be used to spy “suspects” for years without any guarantee offered by the law. The ability to manipulate such information – everyone knows that it is easy to digitally manipulate a photo, but few think that, with some computing resources, it is possible to digitally alter a movie, too – is another possible source of abuse. The possibility of easy manipulation of e-communication has raised concerns of hoaxes among human right activists.

The lack of a widespread attention toward individual rights makes the denunciation of abuses cumbersome. We could

distinguish between active and passive censoring. For active censoring, we understand the actual suppression of news and opinions from the press and any other media, in which who is reporting to the new is explicitly compelled to remove it under threat (explicit or implicit) of retaliation. This kind of censoring have been practiced heavily after W. W. II in several EU countries, and not only in the ones under fascist rule. Now, however, passive censoring seems to become more widespread, as new media like the Internet become of everyday usage by almost everyone: there is no one that stops you in denouncing abuses, but there is none that listens to you either! Your denounce, now matter how serious and cumbersome, is totally ignored. Since there is no violence and no obvious menace, that may be recollected by witnesses after years, passive censoring can be even more efficient than active censoring.

Passive censoring is part of a broader issue that we may call the “visibility issue”. “Visibility” marks the main difference between present and past human rights abuses, at least in the EU and USA where brutal violence is not tolerated (it is highly visible!). German Jews had their passport stamped with a label; similarly, Germans stamped the passport of homosexuals with an infrared label, visible only with a detector. Various forms of electromagnetic harassment – including sleep deprivation – have become possible. Even death sentences are carried out with lower “visibility” while the aim of an electric chair is functionally obvious, the aim of the injection death chamber is not. Will people at the end of one of the next millennia debate whether late IIth and early IIIth millennium Americans were such savages to kill people in those chambers?

2.2.7 Stigmatized Minorities still Exist

Minority issues – where minorities can be defined by racial, ethnical traits or sexual habits – still matter. We do not live in societies that have been shaped to allow a decent and serene life for every minority. Transgender persons, for example, are not immediately accepted and seen for the persons they are.

This happens mostly because of the lack of a cognitive culture on transgender issues. Not even parents see their transgender children under an objective light; transgenders often face in their youth brutish rejection and disavowment, and cruel harassment that may shape the rest of their life. Transgenders have suffered because of a social stigma against cross-dressing. Their low social status has hampered their realization and fulfillment in productive society and has strengthened degrading labels. Fortunately, transgender persons have had the opportunity to demonstrate how unmotivated and senseless the stigma is. The greatest Greek poet of modern age, and probably even Leonardo da Vinci, as well as a large present-day number of outstanding professionals and academicians are known as transgender persons. However, most present-day transgenders could achieve their successful careers only at the expense of keeping their transgender nature undercover. Some recent examples of “out-of-the-closet” cases in which the overall supportive have been mixed with the frequent occurrence of hate crimes. Unfortunately, the label of “homosexual” or “transgender” still overwhelms every other feature in the perception of anyone’s personality. Too many think, naïvely, that if you are homosexual you are a “full time” homosexual and cannot participate to the productive society. Today we can celebrate the achievements of this century in the struggle for women’s rights, which has been fought often with different patterns but always painstakingly in every EU country and in the USA. At the same time, we must acknowledge that the struggle of several minorities – even in our wealthy and apparently tolerant society – lags far behind. How easier, for example, would be the life of any transgender person – if parents had the opportunity to learn in an objective and scientific way – allowing a transgender child the option of sex reassignment surgery at entrance into adulthood as well as freedom of expression in dressing, and accepting her identity with nurturing advice and empathy!

There is the perception that a corridor of possible injustice is being maintained leaving in a limbo or poor definition some classes of people, like “monsters”, “sex maniacs”, etc. The lack

of an objective definition on categories of people which are deeply despised (who defines scientifically a “sex maniac?”. Even if a scientific definition may be possible, it is different from the general perception, for which even Dostoevsky could be a “sex maniac”) serves a totalitarian purpose: the elimination of potential opponents through their association to one of the despised minority. Some social criticism may be expressed in deep and rational form, but would it have the same weight if expressed by some-one labeled as a sex maniac?

Unfortunately, minorities under attack change depending on the pressures a society is subject to. Jews were the targeted minority of Germans in the Thirties; now in Europe there are other despised minorities. Most of them are associated to sexual behavior. This may reflect a change from an economic pressure to a demographic one. However, present-day despised minorities are not recognized as unjustly stigmatized. Few see the recurrence of the same exploitative patterns. It is a duty of everyone to avoid that minorities will not be acknowledged as unjustly persecuted only after another Holocaust!

2.2.8 The Concentration Camp Brought to your Home!

Now, however, it is legitimate to ask whether minority and outstanding individuals would be able to physically survive (or even to be born!) in the Western countries of the next century. Freedom and human diversity go together. Unfortunately, Western societies are applying with unprecedented power and efficiency prejudices and ignorance to quench human diversity. Would a couple choose to have a child which is genetically predisposed toward homosexuality? The specter of eugenics is hanging over. Exceptional creativity gives rise to unpredictable behavior. This sort of unpredictability is still seen as a danger – a danger that police or government may want to quench as it may lead to a change of status for despised and stigmatized minorities. At the same time, status improvement of minorities may bring the de-legitimization of powerful groups and institutions.

Artistic expression is a very good case. Concerns with creative persons seem to have been present in police agencies, including the FBI that put under surveillance musicians, poets and other creative persons, including Thomas Mass. Low frequency electromagnetic radiation can induce brain damage. TIME Magazine reported in 1993 about the ability of building a “thought control machine”. Recently, the AP reported on the South African secret services plans to cause brain damage to Nelson Mandela while he was in prison. It is unclear whether thought control can reach mass dimension, but their application to just a few leading individuals can produce great damage. Few, potentially leading persons can often push forward causes that will lay unspoken of without them. Government agencies know that “videotaped” violence is the best way to bring discredit. Turning a leader (or a potential one) into a brutish moron who him/herself provides the case against him/her would in turn de-legitimize the minority or the cause she or he is representing.

An hypothetical pattern of abuse may suppress the “visible” step of imprisonment from the

imprisonment → torture → execution

scheme. Suppose the perpetrators want to “eliminate” a potential opponent, for example an outstanding homosexual person, who has started to show exceptional ability in a field, let us say poetry. First, secret police starts monitoring him, his movements, every aspect of his social life. Second, the intelligence gathered is used to mount a hoax against him, telling everyone around him – possibly following a “concentric circle pattern” to involve first distant acquaintances and then moving in an order of increasing level of closeness toward relatives, so that social pressure may let close relative help believe any accusation just because it is believed by anyone else – that he is being investigated because he belongs to a stigmatized minority – a minority against which many nurture spontaneous animosity. Third, the intelligence gathered may be tampered to be used as a proof of wrongdoing; false depositions – made likely by the widespread hate against that minority – may be collected as well.

Forth, a pattern of undercover violence may start. Undercover violence may include sleep deprivation as well as other forms of electronic harassment. Eventually undercover violence may reach alteration of brain activity and even murder passed as illness and death, for example adding carcinogenic agents to the victim's food or environment. It is obvious that this pattern deprives the victim of any protection under the law, including the Habeas Corpus, while creating no responsibility among perpetrators. The standard guarantees offered in the case of an arrest are suppressed.

2.2.9 Other Sources of Concern

There is a false perception that now human rights matter in foreign policy. Foreign policy is not shaped by international right either – it is shaped by power relationships: the most powerful state is always right. Human rights are heralded with great fanfare only when they can be used in support of an action taken motivated by economic interests or simply by a power game.

Other, minor concerns include the “professionalization” of human right workers. Human rights work has now become a career, that can last for life. It was not so a few decades ago, when human rights workers were people coming from diverse walks of life. This “professionalization” has evident advantage, but can have also drawbacks, like the stiffening or fossilization of human rights organization which may lose grip and become detached from the real world of abuses, and ultimately irresponsive to denunciation. Professionalization may make non-governmental organizations more prone to infiltration by agitators.

2.2.10 A Way Out for the XXIth Century?

A more serious concern is perhaps the lack of a theoretical framework in the human right movement. The human rights movement cannot be limited to repressive efforts like bringing (few) war criminals to trial. Nor it can be limited to the efforts for

freeing prisoners of conscience in distant countries. It is our opinion that we must first understand the social and anthropological mechanisms that allow the spread of hate and spiteful feelings.

There is a tremendous cultural drag here. The prevalent stereotype of the lone monster is misleading. Perpetrators of human rights abuses are often other-oriented personalities – who do what everyone else around them wishes to be done. Suppose leader H orders the deportation of the despised minority J. If H's orders are met with disapprobation from most of H's supporters of most of the member of H's entourage, H will probably turn back and repeal his own order. If, on the converse, everyone around H welcomes his orders, H will not be faced with any problem and his orders will be carried out to the extreme consequences.

There is no doubt that the several genocide attempts that plagued this century reveal recurring patterns of collective behavior. Only education and awareness of the social dynamics of the processes that allow perspective human rights abusers to gain status and power will break the repeatability of human rights abuses. Even if the example above is overtly simplistic, the key is to have awareness of human rights so widespread and deeply rooted to make possible a social inhibition of human rights abuses. But if it is only a few who realize how and when abuses are carried out, then there will be always crisis and pressures to foster a social feedback in favor of the abuses. This tell that the human rights movement cannot be confined to an elite, else it will be doomed to failure. Rather, education and empowerment should be planned for everyone in schools and colleges.

2.2.11 Conclusion

Democracy and wealth are not sufficient conditions for the respect of individual rights. The “subterranean stream” of totalitarian trends endemic in Western societies has not been adequately challenged as yet by widespread human rights aware-

ness. Present-day abuses, even if the same in concept as past ones, have taken new forms that may be more difficult to fight. The maneuvering of people and news can easily cross the border between reality and concoction to create “monsters” without possibility of remedy. Abuses can be carried out in a “transparent” way. There is no need anymore to confine opponents to concentration camps or to prisons. Potential abusers have acquired unprecedented monitoring capability, ability to commit remote controlled harassment and even mutilations or murders.

The milestone of all discourses is the respect of human rights of all individuals and of individual freedom. Against any reason-blinding hate, we must open our mind and our heart. Our mind, because the recurring patterns of abuses must be identified at any time and in any place, and broken. We need to open our heart, try to understand targeted people; and try to improve any aspect of their plight that we perceive would be discriminatory or abusive for ourselves.

2.3 BURNING BRAINS, NOT BOOKS³

A “Manhattan project” on mind control?

Le tecniche di controllo mentale, unite a forme di tortura tecnologicamente avanzata, costituiscono, il presente ed il futuro della repressione nei Paesi occidentali. Praticate su vittime non consenzienti, queste tecniche possono portare al collasso della democrazia e sopprimere completamente i diritti individuali più basilari.

Mind control and techologically advanced tortures represent the present and the future of repression in Western countries. Applied to non-consenting victims, these techniques can lead to the collapse of democracy as well as to the suppression of most fundamental rights.

³HRA bi-monthly Newsletter, Oct. 1998, Vol. 2, No.5

Now that the specter of an atomic conflict has apparently become more remote, attention is turning from weapons of mass destruction to weapons of individual control (and destruction). It is now more important, for oppressive governments, to focus on individuals, as potentially challenging leaders or opponents may be just a few individuals . . .

Oppressive governments are not burning books, as in Ray Bradbury's famous novel, *Fahrenheit 451*, but they are attempting to gain control on every aspect of mental life of, at least some of their own citizens. Suppose there is a very bright opponent who, not thorough violence but because of her/his courage and intelligence is advancing a cause that apparently goes against the interests of your nation; what would be better, in the mind of the attackers, than to be able to make that person appear responsible of her/his own downfall, making her/him unable to sustain or lead efficiently her/his own cause, or even to commit violence s/he would never commit if left by her/himself?

It is not paranoia. New technologies have made possible forms of mind controls that were probably still in the realm of science fiction just twenty years ago. Micro-cameras appear to be everywhere in public, and semi-public places. Even according to a popular magazine, it is impossible to go out on normal errands without being monitored and taped "at least a couple of times." And since videocameras can be made the size of a button, it is possible to deploy and hide them almost everywhere, including apartments, for example during the proprietor's absence. Ordinary police techniques involve this kind of monitoring of suspects. Present-day technologies allow a detailed monitoring of an individual in almost every environment. What is perhaps less well known is that, along with micro-cameras, "active" devices can be implanted in houses, too. Active devices are not just passive instruments that record images and sounds from the environment, they act on persons, inflicting damages which may become irreversible with time. The physics principle behind this type of devices involves the emission of low-frequency electromagnetic radiation (in the domain from very low frequency to high frequency radio waves and of microwaves) affecting

the normal functioning of the brain, which generates its own magnetic field through its own electrical activity. The immediate (and cumulative) effect may be of confusion and of dizziness, the inability of doing tasks usually done without effort, or even just an alteration of the normal course of thought without any discomfort. If microwaves are used, it may be possible to significantly increase the brain temperature. In addition to causing mind confusion, radio waves (at extremely low frequencies) can be used to destroy the wave pattern emitted by the brain at the beginning and during the process of sleep. Sleep deprivation – especially if prolonged can have devastating consequences on a person's health, and induce strong behavior modification. HRA has had news of a person kept under sleep deprivation for several weeks. After that period even his immunitary system apparently started to fail, leaving him easier prey of infections. There is a less "visible" form of sleep deprivation. A person can be kept unconscious as if sleeping suppressing other wave patterns – actually depriving that person not of sleep, but of rest. "True" mind control and mutilation can be achieved inserting devices in the brain. The brain activity can be monitored, and associated to perception and reactions, so that areas of the brain that become active can be identified. A similar technique is used to identify healthy and damaged brain areas in epileptic patients, for example. It is nothing extraordinary, in many ways it is normal clinical practice.

What is important to stress is however, that detectors and other devices in the brain can be inserted almost overnight without any reaction, by keeping the victim asleep, kidnapping him or her and performing brain and later cosmetic surgery to suppress evidence. Devices are inserted in the brain to progressively deactivate areas, probably killing or isolating neurons and groups of neurons, of the brain that may supervise particular functions – for example, music enjoyment, sexual pleasure, ultimately unwanted thoughts – or even to perform what in practice is a lobotomization, the zeroing of a person's emotional life. There are other techniques, which are being used as well. Ipnosis is one of such techniques, which may affect beliefs and

ideas and that may lead to a modification of behavior. In a case known to HRA, probably a combination of these techniques drove a subject to the point of committing violence.

Everyone can imagine the devastating consequences for promising poets, writers, musicians, folkssingers, many of them perhaps outspoken against any “ruling power:” silent, invisible, remotely controlled victims, they will lose their ability to create new poetry, songs, stories... or simply their ability to perform. The public will simply lose interest in them. Without any need to have a personal contact with the victim, only perhaps in one occasion in which s/he is unconscious, cruelty and unnecessary violence, which can be carried out by a remote control, become easier and rewarding for the torturer, leaving at the same time little possibility of a reaction, especially legal. It is obvious that, if these practices become relatively widespread (i.e., they are applied just against a few tens of individuals) even the decay of a civilization may follow.

The possibility of mind control has reached mass media since long – in 1993 it was mentioned in an article which appeared on TIME Magazine that mind control devices were available to US agencies and foreign secret services as well. Curiously, while other topics involving high technology potential abuses, for example genetic manipulation, are widely discussed, mind control seems to have since then been forgotten by the media. This is one more reason of concern for HRA; we must emphasize the possibility of a “new generation of abuses” against which the public opinion is as yet ill prepared. Psychology textbooks perpetuates a prejudice that is accepted acritically even by seasoned professionals, and that ultimately helps the perpetrators: it is not anymore a symptom of paranoid schizophrenia to claim that the “secret services are implanting devices” in the brains of people. Now it is a technical possibility, and a reality.

The attempt to control mind and body of people is nothing new. The FBI acknowledged that, in the '50s and '60s, several people were targeted by surveillance simply because they were exceptionally creative. The surveillance did not include only people suspected because of their communist political views.

Creative power, and moral righteousness are the worst enemy of any oppressive government, and evidently the US government has since long attempted to undermine them.

We must ask the US government and any government of the European Union: (a) to disclose the nature and the extent of any experiment on mind control; (b) to stop any ongoing experiment, and to ban future experiments. In addition, HRA suggests that sleep deprivation, and every attempt at mind control should be considered a form of torture existing treaties and covenants. HRA can prove that the US government, and its agencies, have been acting illegally and unconstitutionally against their own citizens for the purpose of having available human guinea pigs for mind control experiments (as, in an earlier time, unaware people were subjects of experiment with ionizing radiation, to study the effect of irradiation due to nuclear explosions). In addition, US agencies have carried out these projects outside the United States, in violation of a number of international treaties, pioneering a sort of “globalization” of human rights abuses.

2.4 ADDING WAR TO WAR⁴

HRA urges to voice concerns about NATO attacks against Serbia by signing appeals for peace.

HRA incoraggia a manifestare le preoccupazioni per gli attacchi della NATO contro la Serbia sottoscrivendo appelli per la pace.

Bombings in Yugoslavia are adding the violence of NATO to the violence of Serbs. War has never had and it will never have any humanitarian scope or aim: it is the ultimate human rights disaster. Bombings may be sound from a military point of view, but destroying human lives and wealth is the worst non-sense from the perspective of defending human rights. Until now, air-strikes have sorted the negative effect of aggravating violence against the people of Kosovo and the pace of their expulsion

⁴HRA bi-monthly Newsletter, Apr. 1999, Vol. 3 No. 2

from their homeland. Yet, several human rights activists think that it is correct to try to quench the horrible abuses of Serbians against the Albanian minority in Kosovo. With the words of T. G. Ash, an Oxford historian: "If we had stood up Milosevic when his forces besieged the Croatian town of Vukovar in the late 1991, perhaps a quarter million men, women, and children might still be alive." If this is true, then we must reflect even before we endorse the cause of peace. This is a particular case of a fundamental issue: it is legitimate to use violence to stop the violence of governments against their own citizens? The issue is too deep and broad to be even tackled in this note. On the one hand, what Serbs are doing against Kosovars mirrors what Nazis did to the Jews: before W. W. II started, their policy was of forced mass expulsion and discrimination. In addition, the Serbs' violence comes after the prolonged Bosnian wars, the massacres and the atrocities committed that reminded to a reality we hoped buried forever, at least in the heart of Europe. On the other hand, we must consider a not-unfrequently-heard question: why a military intervention for Kosovo and not for violence on a very similar scale in Kurdistan? The answer is simple: because Turkey is an important NATO partner, against which the American government has absolutely no interest to wage negative propaganda. The USA have always followed a double standard on human rights: ignore the abuses committed in friendly countries (just think to Latin America or to several Southern European countries, where dictatorships were supported by the USA) and decry the abuses committed in countries which are antagonist, like China. The latter is the case of Serbia: after several Eastern European countries joined NATO, Serbia has become the new Eastern frontier, a country that is not under American control. Thus the NATO war is not being fought for the people of Kosovo: it is a war of conquest, in which the area of American influence will be pushed eastward. It is a war that follows an imperialist logic.

The only humanitarian aspects we see are in the efforts to offer first assistance and to accommodate refugees in the neighboring countries, like Albania and Macedonia. And the refugee

flow has however greatly increased following NATO attacks. Starting from an humanitarian perspective, we can see millions of ways other than war in order to effectively challenge and not to stay silent and passive in front of the violence made by Serbs in Kosovo.

Fortunately, the world is too much interconnected, and information flowing too easily now with respect to 50 years ago to make possible a novel approach that would not allow to strengthen the Serb government but rather to empower the Serbian people. We can think of an intervention of civilian relief organization in Kosovo, as the Yugoslavian government has agreed upon, coupled with economic aid to Serbia and to the people of Kosovo.

Apertures of borders to tourism and the perspective of economical and commercial growth, which are accompanied in general by information flowing more freely, would lead to an unavoidable, even if not short term, challenge to the present Serbian regime, as political pressure will do. They will ultimately benefit not a despotic dictatorial regime – but the people of Serbia and Yugoslavia. We are not witnessing a war among the richest nations of Europe; we are seeing the poor fighting the poorest. And this is not a lone-man war. Milosevic gone will not mean that hatred between Serbians and other ethnic groups will disappear. Hatred in Yugoslavia has deep roots. As Hannah Arendt noted many years ago, the distribution of various ethnic groups in the Balkans is too fragmented to make possible the creation of nation-states as in Western Europe. The seeds of ethnic hatred will be present in a foreseeable future; but ethnic hatred can be soothed by the possibility of economic growth for the Serbs and for all minorities alike. Bombings will instead revamp hatred, and sustain the present regime and anti-Western feelings by a mixture of national pride and self-victimization.

2.5 Echelon, ENFOPOL & MUCH ELSE: IS THIS THE “FREE WORLD” WE ARE LIVING IN?⁵

Global surveillance programs have been extended beyond any reasonable expectation.

Alcuni programmi di sorveglianza globale sono stati estesi oltre ogni ragionevole aspettativa.

An excerpt from an ACLU Press Release, April 6, 1999, titled “ACLU urges Congress to investigate Echelon Surveillance System:”

“Echelon positions communications receiving stations all over the world. It attempts to capture all satellite, microwave, cellular and fiber-optic traffic, including communications to and from North America. This vast quantity of voice and data communications are then processed through sophisticated filtering technologies, including voice recognition and optical character recognition (OCR) technology, which look for code words or phrases (known as the Echelon “dictionaries”) that will prompt the computers to flag the message for recording and transcription for future analysis. [...] A conversation or document which matches a dictionary entry is flagged by the system and then forwarded to the respective intelligence agency headquarters that requested the communication. Communications can include not only vocal conversations, but data communications such as fax and e-mail.”

The ACLU Press release also added:

⁵HRA bi-monthly Newsletter, February 2000, Vol. 4, No. 2

“The September, 1998 report also detailed allegations that Echelon had been used in the United Kingdom to spy on charities such as Amnesty International and Christian Aid, and for economic espionage purposes.”

These issues are certainly not related to foreign governments, national security and drug trafficking and terrorism.

Associated Press reported that “As an example, the Canadian, Mike Frost, said one woman ended up in Echelon’s database as a possible terrorist because she told a friend on the phone that her son had “bombed” in a school play.” (February 27, 2000)

Echelon is not the sole project of this kind. In addition, the attitude of European Union governments has been more one of emulation than of condemnation. A parallel project, known as Enfopol, has been under development in the European Union. Its development, albeit not secret, have been “invisible” to both the mass media and, according to Statewatch, even some governing bodies of the European Union (see the box with the chronology). The Associated Press reported that also the Russian secret agency is spying on the Internet. Always according to AP,

“Russian human-rights and free-speech advocates say the security service has already forced many of the country’s 350 Internet service providers to install surveillance equipment.”

At least Russians seems to be more aware:

“The whole Federal Security Service will be crying tomorrow over your love letters,” warns one of the banners angry Russian Web designers have posted on the Internet.’

It is not a matter of crying about love letter that is worrisome for human rights. The potential for abuses is immense. It is dependent on the sources of pressure our society is facing.

The main source of concern is related to what is now polarizing the general attention. It can be inferred from Tim Brookes' article on the January 2000 issue of the *National Geographic*:

“Nowadays my adopted country [America] seemed to have filled with dark shapes: religious cults with private armories, neo-Nazis, psychotics with shotguns in fast-food restaurants, Satanists in the belfry, pipe bombs in the mail, poisoners and perverts, snipers in the schoolyards, and chain saw killers up the dirt roads – monsters for every age and every political persuasions.”

Who are the perverts? People involved in a consensual Bondage – Domination – Sado – Maso relationship? Gays? Lesbians? It should be better to remind that a sizable fraction of people in Western countries thinks that Gays are perverts – and that such fraction is probably even larger if BDSM people are considered. This confusing list reflects a worrisome ambiguity and a warped source of concern against a few spotted individuals that could make a country like America “not exist anymore.”

No mention to the government making experiments with ionizing radiation on their own citizens. No mention to the cameras now controlling every corners of cities and villages. No mention to electronic harassment that can damage the working of the brain. No mention to the experiment on thought control. No mention to Echelon-like projects (and we believe that this, yes, can change the soul of a country, from the country of freedom to the country where everyone is monitored). And what if the eager people that have Echelons, Enfpols, etc. projects in their hands decide to use their intelligence capabilities against the “monsters for every age and every political persuasions?” What if the eager military decide that Transgenders fit to the “monsters”? In reality the ability of acquiring undercover information to such extents paves the road to arbitrary prosecution. Arbitrariness that is related to the biased perception so

well expressed by the British journalist – which is so dangerous because it is shared by almost everyone, now subjugated by tens of years of “police ≡ hero” propaganda, – and to particular interests. For example, would the intelligence ability not be used against human rights activists that could in principle delegitimize and accuse of serious abuses our military, or the military of a friendly country? Undercover information gathering paves the road also to undercover punitive actions. Maybe not against ordinary criminals, but what against the “monsters”? Such “monsters” could not be even prosecuted in many countries. In any case, there could be a lengthy legal procedure that may turn into nothing and may even discredit the prosecutors.

There is little or no control on Echelon. Patrick S. Poole, in an article available on-line⁶ writes:

“In response to the discovery of such a comprehensive effort by previous administrations and the intelligence agencies, Congress passed legislation (the Foreign Intelligence Surveillance Act of 1978) that created a top-secret court to hear applications for electronic surveillance from the FBI and NSA to provide some check on the domestic activities of the agencies. While the FISC was established to be the watchdog for the Constitutional rights of the American people against domestic surveillance, it quickly became the lap dog of the intelligence agencies. Surveillance requests that would never receive a hearing in a state or federal court are routinely approved by the FISC. This has allowed the FBI to use the process to conduct surveillance to obtain evidence in circumvention of the US Constitution, and the evidence is then used in subsequent criminal trials. But the process established by Congress and the courts ensures that information regarding the cause or extent of the surveillance order is withheld from defense attorneys because of the classified nature of the court. Despi-

⁶<http://fly.hiwaay.net/pspoole/echelon.html>

te Congress's initial intent for the FISC, it is doubtful that domestic surveillance by means of Echelon comes under any scrutiny by the court."

He further notes that

The late [U.S.] Senator Frank Church warned that the technology and capability embodied in the Echelon system represented a direct threat to the liberties of the American people. Left unchecked, Echelon could be used by either the political elite or the intelligence agencies themselves as a tool to subvert the civil protections of Constitution and to destroy representative government in the United States.

Military and police officers involved with Echelon won't be laughing at love letters. They would be distasted to the depth of their soul by . . . a pictorial description of a gay sexual act. A distaste they feel – for which they held the people they are spying as responsible. Will those military and police officers be restrained by human right considerations? The question is even laughable.

This course of action would be intrinsically illegal: no legal system of any Western countries can attempt, in principle, to prosecute people on the basis of what they are but only on the basis of what they should have done. Therefore the ability to handle such undercover acquisition of data acquire another, more ominous meaning. If coupled to undercover violence, it will actually deprive every citizen of the most fundamental right: the right to habeas corpus. We are slowly stepping into a world in which not only everyone is controlled to an unprecedented extent, but in which also the most fundamental conquests for human rights are slipping into void papers.

We genuinely believe there are no monsters. Only human beings – whose behavior can be tremendously influenced by culture and circumstances – as well as by instinct not yet by culture bridled. But if there is anyone who come close to a "monster" it is right those military officers that kidnapped the children of

people they themselves tortured and let later “disappear,” the ones that tortured and killed homosexuals laughing out with sadistic pleasure. Right the kind of people that will have the various Echelons in their hands.

2.5.1 CHRONOLOGY OF Echelon, ENFOPOL AND INTERNET MONITORING ⁷

After World War II USA, New Zealand and Great Britain start the monitoring project on every form of telecommunication known as Echelon.

June 1992 FBI produced “Law Enforcement REQUIREMENTS for the surveillance of electronic communications,” one of which is stated below the title of this article.

1994 The K4 Committee [a committee of European Union Interior Ministries officials covering security and immigration policies] discusses the draft Resolution on the lawful interception of telecommunications and the “Requirements” to be placed on network and service providers.

October 1994 After two failed attempts in 1991 and 1992, an US bill is approved by Congress, and signed by Clinton.

January 1995 The Resolution on the “Requirements,” never discussed by the Council of Ministers is adopted by “written procedure.”

1997 Enfopol project exposed by Statewatch.

1998 First Echelon report for the European Parliament

February 2000 Second Echelon Report. the European Parliament accused the United States of using Echelon for industrial espionage.

⁷Main source StateWatch, <http://www.statewatch.org>

2.6 INTERNET CENSORSHIP: A WAR NOT WON⁸

Le informazioni disponibili su Internet sono controllate ed, in qualche caso, apertamente censurate.

Information available on Internet is monitored and, in several cases, it has been openly censored.

The importance of recent legislative actions in the US, notably the Communication Decency Act (CDA) and the Anti - Terrorism Act (ATA), has been largely underestimated. The CDA came close to a coup d'etat. The CDA de-facto abrogated basic US constitutional rights that are also echoed in the Universal Declaration of Human Rights, in particular its Article 12. This is especially true since computer communication has the potential to overshadow any other form of written communication in a near future. The vagueness of the term "obscene" in the CDA would have made possible to attack writings or images far from pornography. General attention seems to turn elsewhere, to the dangers of free communication: people worry for instance that exchange of information can make terrorist attacks easier, or can easy contacts among pedophiles. The ATA included proposals to expand wiretap authority. HRA thinks that the current efforts are not aimed at increasing security. They are rather aimed at legitimating police tampering that may be or may eventually become unconstitutional. HRA fears that political and sexual minorities are especially at risk. Sexually related material, especially related to the so-called "consensual BDSM, has been censored. Even if the CDA has been repealed, HRA noted disappearance of newsgroups from server providers, for example Compuserve, and in Italy from the widespread, state-owned, access provider Video-on-Line. A Compuserve top manager is currently on trial in Germany for allowing the information service display pornographic material. The big change on the Web

⁸HRA bi-monthly Newsletter, February 1997, Vol. 1, No. 1

between the early Nineties is that almost every site offering sexually explicit material requires now a verification check, formally of age, but practically of identity. We worry that this slow erosion will do what the failed CDA did not i.e., it will censor the Internet turning the network into a place where everyone has to be afraid of everyone else.

Even worse, in the absence of laws explicitly assessing the rights of citizens to speech freely in computer networks, HRA fears that the illusion of an Internet safe haven may be used to identify members of sexual or political minorities. As everything said and posted on the Net can be easily tracked down to the author, everyone may become target of illegal police harassment. Police may use the network to identify potential “subversives.” These practices are nothing new in several Western countries. Abuses have been widespread in the past. The new aspect is that they involve communication using computers. With computers, abuses are much more easy to carry out in a transparent way, saving the appearance of unrestricted communication. Almost every public place on the Internet is monitored. Usenet newsgroups with sexual contents or political scope have been monitored since long by a number of police forces worldwide. Ordinary e-mail is not secure, and there is no easy way for ordinary laywomen and laymen to make it secure. Copying of secure encryption procedures from the US is even a serious crime, punishable with up to ten years in prison. Serious abuses are made especially likely by the political situation in several European countries.

For the time being – as access to the network is becoming more widespread – we see the enforcement of societal rules and habits that were not enforced when access to the Network was “de facto” restricted to an elite. We are witnessing the turn of a “free speech safe haven” in a highly controlled environment reflecting the intolerant mood that seems to grow steadier in America and Europe.

Capitolo 3

Book Reviews and Short Notes

3.1 THE POETRY OF MARJORIE AGOSIN¹

Many major writers have dealt with social issues – many of them have, ahead of their times, exposed injustice and unveiled patterns of exploitation and discrimination which we would now call human rights abuses. Yet, “human rights” may appear to many especially in the US and in some EU countries like a rather cold and legalistic term, related to a distant past and to far away countries in the South of the world and to endless fights in Court.

Marjorie Agosin’s poetry (*An absence of Shadows* is a collection of Agosin’s poetry in which her best known collections, *Circles of Madness* and *Zones of Pain*) enhances the very meaning of human rights by unveiling the emotive tracks left on the victims of human rights abuses and on the victims’ relatives. “Disappearance” is one of the most cruel forms of murder, in which the victim has not even a tomb, and which was widely practiced by police and the military in several Latin American countries (including Agosin’s native Chile during the Pinochet’s

¹Ref. HRA 2000/3

dictatorship). Too often relatives and friends of “desaparecidos” are left yearning for an impossible return. The tragedy of this “hopeless hope” outlines the enormity and absurdity of every disappearance.

An heartbreaking depiction is given in a poem in memory of René Eppelbaum, one of the founding members of the mothers of Plaza de Mayo, the mothers of Argentine’s desaparecidos:

She just approaches
this photograph
and says that
she will take her for a walk.

They will gather chestnuts,
dead and living leaves,
and suddenly she will show her to others,
not to ask about her
but to say
that she was her daughter . . .

The feeling of loss, of loneliness, and the inability to cope with them, to look forward in an undaunted gaze is the sorrowful condition of survivors and relatives alike. It is impossible to engulf and to pass over the abyss left by the loss – the shadow of the infinite value of each human life. As for the victims of the Holocaust, there will never be justice for the “desaparecidos.” There will never be justice for any victim of torture and state murder. The only possible relief is to make any human right violation impossible. This cannot be achieved without a strong, inner feeling, – developed and nurtured through education since early childhood – that must let any potential perpetrator (i. e., almost everyone) feel the sorrow he is going to cause. Poetry and works of art in general are, in this respect, a fundamental part of any educational curriculum privileging human rights. Marjorie Agosin has provided us with an important step toward this goal.

3.2 SHORT NOTES

Texas executes more people than any country in the Western world and frequently kills poor, young or mentally retarded people who have been let down by a legal system more concerned with politics than fairness. [...]

News Release issued by the International Secretariat of Amnesty International on 9 April 1998

Multiple Executions² The Arkansas governor reiterates his opinion after three death-row inmates are executed: “multiple executions” cost less, are more efficient, and reduce the stress on personnel. At Nuremberg trials, Nazi war criminals maintained that they were not accountable because they were “obeying orders.” Perhaps their fate would have been better had they maintained they were attempting to carry out “multiple executions.”

50 Years and 500³ The 50th anniversary of the Universal Declaration of Human Rights (UDHR), the fundamental document that guides so many human rights activists and movements, including Amnesty International and HRA, which occurred on Dec. 10, 1998, is not only an opportunity to rejoice. The US have apparently turned human rights into a key

²HRA bi-monthly Newsletter, Feb. 1997, Vol. 1, No. 1

³HRA bi-monthly Newsletter, Dec. 1998, Vol. 2, No. 6

issue of its foreign policy. This seems, sadly, only deception. Foreign policy is a power game, and the very concept of international right seems still voided by imbalance of power among nations. The US government is still ignoring key human rights issues whenever it has no interest to denounce abuses (simply because they involve the US or allied countries), while is making world-known cases of dissident in potentially hostile countries, like China. Among the worst human rights violations in the US, there is the increasing frequency of capital punishment. And of more than 500 people executed after the capital punishment was reinstated in America, at least 75 were eventually found to be wrongfully convicted i. e., they were innocent people.

Pinochet's Arrest: Not Enough⁴

Pinochet's arrest has been a landmark event shrouded into a surrealist aura: what could happen only in the dreams of the thousands of Chilean exilées and survivors has become suddenly true. Arresting Pinochet was an act of due justice. Letting him know that he is regarded as a plain murdered, is part of justice, but justice will be served only when coups, tortures and violence as they occurred in Latin America for decades will become impossible. We should be aware of the responsibility of the American government. The CIA fomented unrests in Chile against a democratically elected government. The infamous School of the Americas provided training in torture to Latin American mi-

⁴HRA bi-monthly Newsletter, Dec. 1998, Vol. 2, No. 6

litary officers who alter became involved in the worst human rights abuses and crimes committed against their own citizens.

Parte III
Gay and Trans* Rights

Capitolo 4

Articles

4.1 A CRUCIAL MOMENT FOR CIVIL RIGHTS OF GAYS AND TRANSGENDERS WORLDWIDE¹

Update/Aggiornamento – Negli ultimi dieci anni, non si può negare vi siano stati segnali positivi. Il sindaco di Cambridge, UK, è una donna con un passato trasessuale. In Italia è stato eletto il primo deputato transgender; i sindaci di Berlino e Parigi sono dichiaratamente gay. In Spagna, dalla fine del 2007 la riassegnazione dei caratteri sessuali è coperta dal sistema sanitario a livello nazionale. Nello stesso tempo, vediamo coesistere atteggiamenti omo- e transfobici che sono sfociati anche in violenza brutale ed omicida. In Italia, il riconoscimento dei legami omosessuali non c'è ancora stato. Trans giovani costituiscono una percentuale notevole dei senza casa. Non si è creato un clima di rispetto nei confronti di chi è transgender, ancora troppo spesso associato al sesso ed alla prostituzione. Poco è stato fatto, in Italia, per permettere alle trans* di uscire dal ghetto. Poco per denunciare la violenza fobica, e quasi niente per perseguirla. Abbiamo ancora nella mente le terribili immagini trasmesse dal TG1 il 19 maggio 2008, nell'edizione di massimo ascolto. Non*

¹February 1999, Vol. 3, No. 1

bisogna quindi bearsi sugli allori, ed illudersi che non vi sia il rischio di tornare indietro o di violenze ed abusi sistematici: il momento attuale è ancora difficile, e certamente vi saranno molti altri momenti cruciali nei prossimi anni.

It cannot be denied that there have been positive development. The mayor of Cambridge, UK, is a woman with a transsexual past. The first transgender representative has been elected in Italy; the mayors of Berlin and Paris are openly gay. In Spain, from the end of 2007 the reassignment of the sexual characters is covered from the sanitary system on a national level. At the same time, we see homophobic and transphobic attitudes that have led also in brutal violence and homicides. In Italy, there is still no official recognition of homosexual marriages. Young Trans persons constitutes a remarkable percentage of homeless people. A climate of respect regarding who is transgender has not been developed; being transgender is still too often associated to sex and prostitution. Little has been made, in Italy, in order to allow trans* people to exit from the ghetto. Little in order to denounce phobic violence, and almost nothing in order to pursue it. We still have in mind the terrible images transmitted by the TG1 on the 19th of May 2008 at prime time. We cannot therefore just rejoice at the past achievements, and so be deceived that there is no risk to return to a past of violence and abuses: the present moment is still difficult, and there will be other crucial moments in the next few years.*

Recent high profile cases suggest that the struggle for Gay rights in Europe, America, and in the rest of the world is far from over. It is yet a struggle for endangered fundamental rights, for the right to life and to the respect of fundamental rights enshrined in the Universal Declaration of Human Rights: a student in Wyoming and another person in Alabama have been savagely murdered because of their sexual orientation. Even more appalling than hate crimes has been the reaction of American people. They have shown to be split between a supportive attitude – epitomized by the candlelight vigils in the memory of Matthew Shepard – and a murderous one – the banners reading

“God hates Fags” which were visible at Matthew’s burial. How can hate run so deep, and defy reason and Christian pity?

For the Lesbian, Gay, Bisex, Transgender community, the fight for life and acceptance has reached a crucial momentum. Gays are gaining visibility, and apparently there is an ongoing reaction against them. As pointed out by TIME magazine, a war is being fought over Gays in America.

Nor is the plight of homosexuals basically better in Europe. The struggle for same sex marriage – for equality, for benefits, for adoption rights are the classical tops of the iceberg. These are important fights – as once was, for example, the fight for political right of women. There are still, even in the most progressive European countries, many limitations to overcome. But these fights can be fought only in few countries – where there is an open, acknowledged and organized Gay community. One should not forget that in most countries across Europe – not to mention the rest of the world – Gays are ostracized by society, and they are outcasts as, for example, women who had a child out of wedlock once were. Several European countries are experiencing a drop in birth rate a demographic crisis. This crisis – driven by the life-style prevailing in the wide majority – may turn homosexuals, transgenders and other sexual minorities into scapegoats.

At a less visible level, the plight of homosexuals and transgender shows additional similarities across different countries. Segregation, ignorance, discrimination, loss of respectability, enforcement of stereotypes appear widespread.

Brutal violence is often vastly underestimated and underreported, and at the same, the high end of a continuous spectrum of a abuses. In several countries there is no hope of getting support by police or sympathy by society. Hate crimes go unreported (the victims themselves would not reveal their homosexual identity), go unpunished, and are ultimately supported by a silent majority: the wide majority becomes a background of silent accomplices over which violence against Gays erupts with impunity. Even the most murderous violence most often gains little attention in the media. For example, who knows

that in the state of Chiapas, in Mexico, 20 murders of homosexuals were reported in the state capital between 1991 and 1994? In other Latin American and European countries, death squads have targeted homosexuals, and serial killers have operated at least under public and police indifference.

Regarding hate crimes as the product of isolated, deviant individuals is unfortunately wrong. Hate crimes are not isolated events. They are an extremum in a spectrum of abuses that encompasses insinuating remarks, gestural and verbal harassment, discrimination, exclusion from several careers, negation of the fundamental civil and human rights, the labeling as “broken-rotten”, subhuman people, the legitimization of hatred through a faulty association between sexual diversity and criminal tendency.

It seems that the spread of American media and popular culture has led to increased awareness and openness on Gay issues. It is, unfortunately, only in part so. Several, especially southern-European countries lack an open and objective debate on Gay rights – which are in many instances a verbal taboo. In other case media and politicians only pay lip service to Gay issues. The role of the Catholic Church has been, and is still the most deleterious in this respect: it is not inappropriate to say that pastors are following the herd. Catholic priests often – even if they do not foster hatred – provide ethical justification for hatred, depicting homosexuality as an “ethical sickness” which leads to the inability of distinguishing between right and wrong. This is a straight endorsement of a de-humanizing attitude that literally wants to deprive Gays of a defining capability of human being. In Italy, Gay activists were arrested while they tried to unfold a banner displaying “Catholic Moral kills Gays.” And indeed it kills Gays as it once killed and oppressed women. And there is zero tolerance for straight people supporting Gays. Again in Italy, the director of the popular weekly magazine *Famiglia Cristiana* was fired not much time after he signed an article entitled “Jesus Loves Lesbians, Too.”

Equality is still far beyond the horizon. It is not too fanciful to see the main limits of Western democracy in the difficulty

for openly Gay and transgender persons to get elected as representatives i.e., to be endowed of passive political rights. The difficulty becomes an obvious impossibility in case of prominent governmental positions. It is not an exaggeration to say that several fundamental issues of the struggle for women's rights are resurfacing now in the struggle for Gay rights. One may think to the efforts that led to the acceptance of women as medical practitioner – efforts that were associated to loss of respectability to un-cleanliness in a time when a gender-role obsessed, male-dominated society perpetuated the “feminine mystique” of virginal purity. So many time being Gay is associated to the loss of respectability. So often being uncovered as Gay means break of social ties – with deep suffering. The struggle for the rights of transgender women is, in this respect, the frontier of a frontier. Not much differently, women were outcast and rejected because they wanted to enter a practice that made them disreputable and unclean because it involved touching of bodies. A few centuries ago women could be scapegoated and labeled as witches and burned at the stake. This kind of violence is still possible against Gays and especially against transsexual women – and has occurred in many instances – also because the present day public is often blinded by mass-media whose concerns have been mainly to foster diffidence, even to incite hatred – rather than to spread understanding and a culture of acceptance. Right the attitude of the general public toward hate crimes shows how much the struggle for Gay rights lags behind the struggle for women rights.

It is a sad fact that present-day public opinion seems unable to recognize when the legitimate struggle for basic rights is re-fought by a minority – just because the minority has changed, and to acknowledge when a minority needs to fight for its rights because of stereotypes and segregating behavior of society at large. It is a sad truth that still too many “progressive” European forces fail to recognize that the struggle for free sexual and gender identity expression has become the diamond spear in the struggle for preservation and affirmation of human rights in Western Europe. The contribution given to Western culture by

LGBT individuals is invaluable: the foremost artists and poets in countries like the US, Russia, Italy, Greece, Spain, France were homosexuals. Now forces are emerging that would make this contribution impossible. Even a ghastly dichotomy between Europe and America seems to resurface: in the Thirties, Americans were split about anti-Semitism, similarly as they are now split on anti-Gays attitudes, while anti-Semitism in Europe was extremely widespread and eventually lead to the Jewish Holocaust.

March has been the month of “Equality begins at home.”² This important initiative was born out of the right approach: an attempt at eliminating the cultural segregation that labels Gays as deviant. It is a duty of everyone to intervene and disrupt labels which are born out only from ignorance and lack of social relationship with Gays, to acknowledge how creative Gays are and have been, and to avoid that anti-Gays attitude may take the worse turn and lead Western societies – which are now not as differentiated as it was in the Thirties, and may therefore act much more similarly in creating scapegoats in case of crisis – into a sliding corridor of calamitous injustice.

4.2 GAYS IN ITALY³

HRA is deeply concerned on the current situation of homosexual and transgender persons of Italy. While in most European countries there are signs that gays, lesbians and transgenders are winning acceptance, the contrary seems to be true in Italy. Several news reports hint at an increasingly deteriorating si-

²From the National Gay and Lesbian Task Force (NGLTF) e-release of January 25, 1999: “In the 30th anniversary year of the Stonewall rebellion – the birth of the modern gay rights movement – thousands of gay, lesbian, bisexual, and transgender people will launch an unprecedented national week of action for equality. Equality Begins at Home, slated for the week of March 21 – 27, is a major initiative to push state lawmakers to support a platform of equality.”

³HRA bi-monthly Newsletter, April 1998, Vol. 2, No. 2

tuation, that may not have had equal in Western Europe since the surge of anti-Semitism that led to the Jewish Holocaust.

The suicide of Alfredo Orlando – which mirrors the suicide of the Czech patriot that sparked Prague’s spring – cannot descend into silence. It is necessary to inform a wide audience of the discrimination and physical attacks against homosexuals in Italy. It is necessary to encourage supportive and affirmative actions by the Italian government to support the legal rights of Italian homosexuals and transgender persons. It is very important that Italian homosexuals are not left isolated by the international community, and that all Italians feel that abuse and discrimination against homosexuals are not being ignored. [...]

4.2.1 Fact Sheet

A Sicilian gay writer, Alfredo Orlando, torched himself alive in St. Peter’s square in Rome. He died on January 23, 1998, after having suffered 90% burns. His sensational act was meant to protest discrimination against homosexuals. In mid January 1998, Franco Grillini, President of the organization Arcigay, denounced that

the situation in Italy concerning civil coexistence, social life of homosexuals is becoming more and more unbearable . . . a country where homosexuals live at worst, where political, democratic social and civil rights for the community of lesbians are not guaranteed, and where gays are butchered.

In early April 1998, the leader of the rightist party Alleanza Nazionale, Gianfranco Fini, openly declared that gays should be banned from teaching in elementary schools. Mr. Fini stated: “I am absolutely convinced of what and I’m sure 95 percent of Italians think the same way too,” according to an Associated Press story.

The wide majority of Italians seem to have become hostile and intolerant toward homosexuals since the early Nineties. In summer 1991 the daily La Repubblica reported the results of

an opinion poll in which homosexuals were labeled “most hideous,” more hideous than murderers, mafiosi, and corrupted politicians.

Italian homosexuals live under social ostracism. A newspaper article on the daily *La Repubblica* (5 August 1995) depicts the isolation and the dangers gays face in everyday life, as they are often targets of physical attacks without protection under the law. In the words of an Italian homosexual, “a gay is a risk-free prey” for physical assaults.

4.3 THE ATTITUDE TOWARD HOMOSEXUALS IN ITALY⁴

In the last decade, Italians have shown hostility against homosexuals and transgender persons. A number of newspaper and magazine articles document widespread hatred and discrimination. We showed that the mass-media attempt to insinuate diffidence and hatred whereas a culture of different sexual orientation and gender identity is absent.

Negli ultimi dieci anni gli italiani hanno mostrato ostilità contro persone omosessuali e transessuali. Un certo numero di articoli di giornali e riviste documentano odio e discriminazione diffusi. Abbiamo mostrato come i mass-media cerchino di insinuare diffidenza ed odio laddove una cultura delle differenze dell'orientamento sessuale e dell'identità di genere è assente.

4.3.1 Introduction

In the early Eighties the Italian newsmagazine *L'Espresso* reported on the homosexual condition in Italy. *L'Espresso* noted that while in some part of Italy it was nearly normal to be homo-

⁴Selected parts of an article published on the HRA web site in 1999.

sexual (“una cosa quasi normale”), in other regions (especially the North-Eastern region of Veneto) it was a “call to marthir-
dom” (“vocazione al martirio”). While in most countries of the world there have been signs of growing acceptance of homosexuals, the contrary is true for Italy. The call to marthir-
dom appears now to be a risk for homosexuals and transgenders⁵ almost everywhere across Italy. Is Italy a backward country, or it is likely that hate against homosexuals will become trendy and fashionable in countries that are by tradition more tolerant?

The emerging change the past decade has been in a sense of increased collective awareness of a deep hate feeling. Sharing this feeling has become accepted and encouraged, to the point of becoming, among many Italians, a proof of belonging, a show of legitimate pride. There is a growing feeling of isolation of homosexual individuals. As a matter of facts, “out-of-the-closet” homosexuals live at the fringes of society: for many, homosexuals have become the “diversi” (abnormal ones) that must be purged from society (not dissimilarly the Third Reich wanted to make Germany “judenrein”). In the absence of a culture of acceptance of sexual diversity, and of social interaction with homosexual persons, a sort of self-sustaining feedback let people see homosexuals under the light of unchallenged stereotypes. Homosexuals are turned into a danger, subverters of the most cherished values, in a word “monsters.” On TV and in newspapers, homosexuals are deceptively linked to the most heinous crimes. In this paper, we will report several examples of the general attitude toward homosexuals, as it transpires from newspaper articles and from anecdotal evidence, to show how marginalization and labeling are enforced.

It is perhaps difficult for outsiders to capture this climate of mistrust and hate, in which much evidence can be understood within a particular symbolic system and collectively shared background. The reader should consider that the attitu-

⁵We will use the term “homosexual” as inclusive of both female and male homosexuals, unless otherwise specified. Similarly, the term “transgender” is used here as an umbrella term to cover all gender-variant persons, from cross-dressers to transsexuals (pre- and post-operative). [...]

des described below are often unfiltered by the “screen” imposed by an open sociological investigation with direct questioning, which may quench spontaneous displays in favor of commonplace and unfelt statements .

4.3.2 The general attitude

Homosexuals are still seen as distant, totally unrelated to “normal” people. Homosexuality is a verbal taboo for most Italians. It is extremely difficult to have a discussion on homosexuality. When homosexuality is the subject, the language may become abusive and turns into invectives. The most frequently used words referring to homosexuals are “porci” (swines) or “froci” (faggots). “Che schifo!” (“How distasteful!”) exclaimed an elderly woman hearing of a lesbian couple in 1994. Just the mentioning of lesbianism and homosexuality usually produces a sensation between distaste and dismay. In several occasions, in early 1997, the anchorwoman of the state-owned RAI 1 TV news service (TG1) showed a countenance evoking a mixture of embarrassment, anger, and dismay when introducing homosexuality-related news. Invectives often deny the humanity of homosexuals: “Non sono uomini” (“They are not humans”) is a statement frequently heard.⁶ In an Italian movie on the fashion world, *Via Montenapoleone*, a mother, on learning of her son’s homosexuality, said “If I had known that beforehand, I do not know if I would have wanted to give birth to you” (“non so se ti avrei messo al mondo”). In a bar in Padova, in 1991, the following sentences were overheard from a conversation:

“Hitler ha proprio sbagliato ad uccidere gli ebrei,
è un peccato che non si sia limitato ai froci”

“Ci deve essere un modo per identificare i froci
alla nascita, così che si possa ucciderli tutti”⁷

⁶There is a presumably wanted ambiguity in these words, as they may deny simultaneously maleness, and humanity of homosexuals, since the term “uomini” can be interpreted both as “males” or “human beings.”

⁷“Hitler made a big mistake killing Jews; it is regrettable he did not focus

These statements were not challenged by the by-standers.

Homosexuality is held as a shameful condition associated with ridicule and loss of respectability. This is recognized by homosexuals themselves:

“... il ciarpame del disprezzo contro di noi... Lo senti, nell'aria, e sale la paura, perché il disprezzo porta violenza...”⁸

Often, on learning of someone's homosexuality, the facial countenance of a person expresses a blend of mistrust, distaste, sense of ridicule, hate, and aversion in an unmistakably evil grin. In several cases, we noted an urge to harass or to offend, or even to harm. A friendly attitude can turn almost instantaneously into one where harassment and nasty lack of correctness become spontaneous, even necessary, right after learning of someone's homosexuality. We have witnessed several times the impressive change of attitude. A man, talking to another man believed to be homosexual, has been observed to treat his interlocutor as if he had only sexual intercourse in mind, and with a mixture of amazement, disrespectful remarks or gestures, and distaste.

Homosexuality is further perceived as leading to a generally disordered sexual life. Homosexuals are thought of having a large number of sexual partners.⁹ Lesbians are likely to be exposed to higher risks of sexual attacks, since they are labeled as non-respectable women. This makes homosexuals appear close to “sex obsessed maniacs” in the common view. The use of pornography is frequently attributed to homosexuals – and this at-

on faggots.” “There should be a way to identify faggots since birth, so that they could be exterminated.”

⁸From an interview reported in M. Garbesi, *Le notti brave a caccia di gay*, *La Repubblica*, 5 agosto 1995, p. 17. It is difficult to efficiently translate these few words, which very efficiently convey the feeling of deep hatred, and at the same time, the imbecility of it. An approximate translation may be “the trash of despicability against us ... you feel it in the air... and fear grows... because despicability eases violence.”

⁹This general view may have been reinforced by the AIDS epidemic and by the ensuing discussion, as the epidemic has been described as a consequence of non-monogamous, promiscuous sexual behavior.

tribution reinforces the label.¹⁰ At the same time, homosexuals are believed to be unable to procreate, as they are thought to practice intercourse exclusively with same-sex partners.

The general notion of homosexuality confuses pedophilia and homosexuality. The confusion is very deep as it is present even at a linguistic level. The widespread dictionary *Devoto-Oli*, explains that “pederasta” means male homosexual. Then, at the voice “pederastía” (i.e., the quality defining a “pederasta”), says literally: “Sexual perversion, consisting in erotic relationship between an adult and a boy (*relazione erotica tra un adulto ed un fanciullo*).” Very recently, in early 1998, the leader of the Italian rightist party *Alleanza Nazionale*, Mr. Fini, wanted to ban all homosexuals from teaching. He claimed that 95% of Italians supported his view. In explaining his view, a representative at the Italian parliament declared that Mr. Fini “confused homosexuals and pedophiles.”¹¹ The case of E. Di Rupo – a Belgian vice-prime minister of Italian descent – epitomizes this confusion. Mr. Di Rupo was repeatedly accused of pedophilia by anonymous letters following the discovery of the murders by the so-called “monster of Marcinelle” in 1996. i.e., Di Rupo should have been a “pedophile monster” just because he was homosexual and his homosexuality was widely known.¹² Recently, an American state governor openly declared that homosexuals are “child abusers.”

Even more extreme intolerance is shown toward transgenders. A transgender person is automatically perceived as homosexual. Transgenders are seen as the “most vulgar, depraved

¹⁰“Ho sempre ritenuto che i cultori della pornografia fossero dei maniaci depravati. . . .” (“I always thought that the pornography fruitors were some depraved maniacs,” from a letter to the weekly *Famiglia Cristiana* n. 10, 1997, p. 6.

¹¹[...]In the last few years, the press has given an increasing visibility to cases of child abuses, and pedophiles have been targeted as the most distateful criminals. While hate against pedophiles has become open and obvious, at the same time there has been (and there is as to-date) a more insinuating attempt to associate homosexuals and transgenders to child abusers.

¹²F. Papitto, “Io ministro gay crocifisso dalle calunnie,” in *La Repubblica*, 31 gennaio 1997, p.15.

homosexuals” who cannot avoid to advertise their homosexuality in public.¹³ Openly transgender persons are excluded from higher education as well. Transgender persons are often sent away from their family. Transsexual activists, pointing out that the present conditions of transgender persons was unjust, remarked that “it is time that people accept the fact that we have feelings, like they have, too. Jobless, without family support, to many trans* no alternative is left to prostitution. Prostitution implies visibility and stirs general contempt. People see transvestites as depraved in general.¹⁴ Association of homosexuality and transgender-ism¹⁵ to uncleanness and depravation is also frequent. The daily *La Repubblica* reported of a case of outrage, due to a girl from a “respected family” who had been seen in company of transvestites or transsexuals: it appeared inconceivable to “normal persons” to be in company of “*quei cosi*”.¹⁶ Visibility of trans* that prostitute themselves generates a label that is uncritically extended to the whole social group i. e., to all trans* people.

¹³Current views on homosexuality and transgender-ism (supported by a large body of evidence) suggest that sexual orientation and gender identity are largely independent from each other. Cases of post-operative male-to-female transsexuals sexually attracted by women have been widely reported. It is understandable that the meaning of “homosexual” may appear to be blurred in case of transsexuals: a pre-operative heterosexual male may become a lesbian woman after sex reassignment. This is not the point here, however, as we are dealing almost exclusively with the perception of homosexuality by the general public or by selected social groups. The general attitude views trans* as “vulgar” homosexuals that can not avoid to advertise publicly their homosexuality.

¹⁴The attitude toward post-operative transsexuals can be different – in part because the law recognizes the new sexual identity after surgery, even if by a bureaucratically challenging procedure. This is probably more a case of “lower visibility” than of higher tolerance; see, for example, the case of the transsexual teacher reported earlier.

¹⁵“*Sporco transessuale*,” meaning dirty transsexual, is an epithet not infrequently heard.

¹⁶Meaning literally “Those things.” The Italian expression has however a special connotation of offence, as the male plural “*cosi*” does not exist, and is used to denote, in a derogative way, the gender change of transgenders.

Apparently more tolerant approaches consider homosexuality as a lack of “good taste”. It is a shift from the ethical to the esthetic plane. This does not necessarily mean that homosexual are less “inferior.” Italians cherish “la bella figura” or the social dimension of the self much above other aspects of life.

4.3.3 Patterns of Discrimination and Violence

Gestural harassment. There are well-understood signs that means “frocio.” “faggot.” Examples of significative gestures are to scratch one’s neck, or to touch one’s ear lobe. One hand behind the neck is interpreted as “effeminate.” This form of gestural harassment may include casual angry gestures, or gestures expressing distaste as to put the handkerchief in front of the mouth, or as turning aside while someone is speaking. Gestural communication can be very efficient: gestures convey a meaning without the need of personally addressing an interlocutor. Gestural behavior helps to communicate the presence of someone that is reputed homosexual to bystanders. An urge to quickly spread rumors of homosexuality – often by non-verbal i. e., gestural communication – has been observed in several Italian social environments.¹⁷

Exclusion from higher education and family support. Many people still think that homosexuals are “abnormal,” and that should be barred from access to higher education. An educated person is in this sense more dangerous, as it may turn his or her knowledge into an instrument to legitimize his or her position.¹⁸ A known homosexual person may not be able to graduate in a University. He or she may not be able to get support from anyone, if wrongly rejected at the exams. In 1992, at the Uni-

¹⁷This urge has been portrayed also in Italian movies. In one case, such news evoked hilarity – a hilarity which is however an indication of the loss of respectability and of peer-like social status.

¹⁸It is sad to see, at the end of the XXth century, the same arguments once used against improving education of women are now being used against Gays and Transgenders.

versity of Padova, a female graduate said about a student doing undergraduate thesis work, and said of having done, jokingly, advances to another graduate who had been very much angered by them. “You can imagine the bad jokes, and the leg-pulls he will have to face. Who knows whether he will be ever able to graduate?”

Loss of political rights. At the national polls of April 1996, candidacy in the center-left list “L’Ulivo” was refused to a homosexual activist. The unpopularity of a homosexual candidate would have lowered the chances of the list as a whole. Initiatives against homosexuals finds unchallenged political support in Veneto. Homosexual-supportive legislation from the European Union was repelled in Verona. A motion was passed against the European Union Parliament resolution concerning the official recognition of homosexuals marriages.¹⁹ In Verona a town-councilor declared in the summer of 1995 that homosexuals “should be castrated.” A rally by a few tens of homosexual activist was the only reaction of outrage reported. The statement of the councilor was reported only on the daily *Il Manifesto*, in many ways a marginal publication.

Exclusion from employment. Reporting on the life of a lesbian couple, a journalist commented in the early Nineties that their sexual orientation was being kept hidden, because “si perde ancora il posto”, “you still lose your job.” Pre-operative transsexuals, or transgenders are barred from employment at almost every workplace.

Loss of job involved even a case of apparently consolidated acceptance.

“Via la prof. Era un uomo “ho cambiato sesso dieci anni fa e non ho mai avuto problemi”. “Quel profes-

¹⁹Ugo Dinello: Adesso alziamo la testa contro le discriminazioni *Il Manifesto*, 29 settembre 1995

sore è un transessuale e noi non lo vogliamo come insegnante dei nostri figli.”²⁰

Physical Violence. Physical violence is probably enormously understated:

“preda facile, un frocio non denuncia. . . Tutti hanno una doppia vita, non se la sentono di sopportare altre grane . . . Così chi li colpisce ha la sensazione dell’impunità assoluta. . . Furti e ricatti sono all’ordine del giorno.”²¹

Transsexuals, who are especially visible, are experiencing a similar wave of hostility and violence:

“ . . . ci sono anche uomini che fanno di tutto per renderti la vita difficile giorno per giorno. . . ”²²

“Negli ultimi anni i transex padovani sono stati presi di mira qualche volta da gruppi di giovani che, armati di cinturoni e catene, li hanno picchiati a più riprese senza una precisa ragione . . . ”

There are reports of insults shouted in front of a gay night-club in Roma. Insults against a transgender in the street of Padova, in broad daylight, were also reported. A squad target homosexuals on the street of Roma, and physically attacked two passers-by that were going to a gay night-club.

A father was accused to have hired a hit man to shoot his homosexual son, by the hit man himself. On trial, the father was acquitted the testimony of the “hit man” notwithstanding. The daily *La Repubblica* reported:

²⁰M. Amorevoli, & M. Vanni, *La Repubblica* 16 settembre 1994: “Away the teacher. She was a man” “I had a sex change ten years ago and I never had problems before.” “That teacher is a transsexual and we do not want him as a teacher of our children.”

²¹Le notti brave a caccia di gay, M. Garbesi, *La Repubblica*, 5 agosto 1995 p.17: “An easy prey: a faggot does not sue. They all lead a double life... they do not have the heart to endure further trouble ... So, who hits them has the perception of the certain impunity. Thefts and blackmailing happen everyday”

²²Felice Paduano, *Mary due volte diversa*, *Il Mattino*, 29 dicembre 1995, on interviewing a transgender person living in Padova. “ There are men that make everything to let your life become impossible day after day..”

Quel figlio gay ucciso la Corte assolve il padre. Assolto per non avere commesso il fatto » . . . nonostante le dichiarazioni dell' esecutore materiale dell'agguato il quale ha raccontato di aver avuto l'incarico di sparare al gay . . .²³

A string of murders of known homosexuals has occurred in Rome in the Nineties. As of 1997, more than ten murder cases have been traced down to a serial killer (or to a single group) by police. A high profile case involved a nobleman, and it is also reported below. No solution to the murder cases has been found at the time of writing, and reports in the media are scant, even if this should be the serial killer with the largest number of victims in Italy still at large. There is certainly not an effort to raise public awareness on the cases by the media, which might portray homosexuals as victims (see also §4.3.4 effort was done to focus on the homosexuality of the violent attacker, not on that of the victim!)

The perception that homosexuals are generally hated, and without support from police, certainly eases violence that is not eventually reported. It is unclear whether police and Carabinieri would effectively persecute abuses against gays.²⁴ The daily *La Repubblica* reported claims that the Italian Military Police (the Carabinieri) were involved in the past in discrimination and harassment of Transgenders.²⁵ A homosexual filing suit with police may become a target of police harassment, against which there is little defense, and that may ultimately lead to loss of job or even to further discrimination and violence. German police even stamped the passport of foreign homosexuals

²³*La Repubblica*, 27 settembre 1995, p. 19 "That murdered gay son. The Court acquits the father. Acquitted because he didn't commit the crime, the statement of the killer notwithstanding."

²⁴Police and Carabinieri may not feel free to act against someone held as "respectable", for example a respectable family-head, even if he has committed serious hate crimes against homosexuals or transgenders.

²⁵M. S. Conte, Sit-in transessuale a Montecitorio: 'Ci discriminano', *La Repubblica*, 8 giugno 1988.

(some of them Italian nationals) with infra-red readable inscriptions denoting the homosexuality of the passport-bearer.²⁶

4.3.4 Toward Socially-Shared Hatred

In this section, we will show how homosexuality has been (and it is still being at the time of writing) routinely linked to brutality and delinquency by the media. The following quotations from newspaper articles is not intended to be complete. It is a sample of articles that an average Italian reader may have casually found in the newspapers or watching TV. The newspaper considered is most often *La Repubblica*, which is a publication not linked to any political party or to the Catholic Church. It is important to stress that a large part of the reported news are to be framed into a climate in which hostility and a distasteful feeling are given as a granted, default attitude.

Several movies that made a positive or neutral portrait of transgender personages have not been broadcast in Italy. The comedy *Mixed Nuts*, for example, was never broadcast to the best of the author knowledge, even if all comedies starring Steve Martin has been broadcast several times both on state and on privately-owned TV channels, or shown in movie theaters.

A number of articles appeared between 1995 and the time of writing²⁷ have dealt with the subject of homosexuality, sometime reporting of discrimination of attacks without any show of sympathy with the victim. The impression in the reader is “this is the way it should be.” In 1996, *La Repubblica* reported that a football player sued for defamation one of his acquaintances who said he was homosexual. The judge agreed with the plaintiff. The judge sentenced that a football player cannot be homosexual in the “*immaginario collettivo*,” since the football player is a popular person, while homosexuals are unpopular.

²⁶A. Tarquini *La Repubblica*, *Gay schedati in Germania*, 19 agosto 1995, p. 10. It is beyond the aim of the present report, but it is tempting to speculate that a great deal of undercover police work must have been done in order to identify homosexuals and to signal to them to German police.

²⁷Late 1998.

The coverage of the Italian media of the Versace murder in summer 1997 basically kept hidden Versace's homosexuality while emphasizing the homosexuality of his presumed killer. In the articles published by *La Repubblica* and *Il Manifesto* on the days immediately following the murder, no mention was given of Versace's homosexuality. The American TV network CNN, on the contrary, reported early after the murder that Versace was homosexual. It was later reported that Versace himself kept his homosexuality hidden in Italy, since he feared a drop of sales for his clothes. In the following days, great relevance was given to the supposition that the suspected killer of Versace was escaping dressed as a woman. In the spring of 1997, two Hollywood actresses acknowledged publicly of being lesbian, following their role as a lesbian couple in a movie. The daily *La Repubblica*, called "a lesbian scandal" with the possibility of a career downturn, as if loss of job would be the only foreseeable consequence of homosexuality.²⁸ In April 1997, the death of the American poet Allen Ginsberg was reported. However, on the daily *La Repubblica*, there was no mention of Ginsberg's homosexuality.²⁹ This is especially surprising since Ginsberg's poetry is often related to homosexual themes.

Several serial killers and murderers that attracted nationwide attention were labeled as homosexual. The indicted in the so-called case of the monster of Florence were depicted as having homosexual relationship.³⁰ Interestingly, even the individuals convicted for the Ludwig murders were said to be "homosexuals" on RAI news service. Another murderer that attracted some attention in 1997 was depicted as homosexual.³¹

Murderous brutality and savagery have been associated to homosexuality:

²⁸S. Bizio, Hollywood, Scandalo lesbico, *La Repubblica* 29 aprile 1997, p.43 "Ora la carriera è in pericolo"

²⁹Furio Colombo, Ginsberg crepuscolo di un poeta, 5 aprile 1997, p.32-33

³⁰Franca Selvatici, Pacciani e Lotti, rapporti omosessuali, *La Repubblica*, p. 1, 14 gennaio 1997

³¹Fabrizio Ravelli, Quell'arcangelo perverso, *La Repubblica*, 25 marzo 1997, p. 9 "L'amico omosessuale"

“La scena del delitto fece pensare fin dal primo istante a un delitto maturato in ambiente omosessuale: ...le analogie con altri omicidi di chiara matrice omosessuale: il raptus, l'accanimento contro la testa della vittima, la ferocia selvaggia dell'aggressione. Ma l'ipotesi di un delitto gay faceva a pugni con l'immagine del conte.”³²

“The crime scene let think at the first moment of a murder developed in a homosexual environment: ... the analogies with other murderers of obvious homosexual root: the raptus, the insistence against the victim's head, the savage ferocity of aggression. But the hypothesis of a gay crime was conflicted with the reputation of the count...”.

This piece is impressively instructive, as the journalist attempts to instigate three key concepts: the association of homosexuality to savagery and murderous brutality, on which the journalists insists repeatedly in just a few words; the difficulty of associating someone of good reputation with homosexuality, and the reversion of responsibility: not the victim, but the murder, is homosexual.

In Bernardo Bertolucci's movie *The Sheltering Sky*, a scene hints at homosexuality of one of the characters. No reference to homosexuality is to be found in the novel on which the movie was based. In the novel, the same character is depicted as a serial killer of children. Widely popular movies, for example *The Silence of the Lamb*, have associated in the same individuals traits that may be of a transvestite with falsehood, deception, brutality, violence and murder, an individual with whom it is not possible to sympathize.³³ Stories of Walt Disney's Un-

³²Franca Selvatici, *Gay e amante dell' arte È il killer del conte*, *La Repubblica*, 8 aprile 1997.

³³The rather silly balance of *The Silence of the Lambs* suggests that a serial killer (Hannibal Lecter) without transgender features, no matter how ferocious, is preferable – and the viewer may even sympathize with him – to a serial killer with transgender features, which has been portrayed as to evoke the deepest abhorrence and distaste.

cle Scrooge comic have associated criminal tendency to cross-dressing: a cross-dresser is a criminal elements that attempts to conceal himself. Following *The Silence of the Lamb* a string of less acclaimed (but nonetheless widely distributed) movies has farther perpetuates the image of transvestites as violent and unreliable: the “evil one” as sexually deviant.

Little notice has been given in Italy on the arrests of priests in the USA because of pedophilia. Attention in the US press reached an high point around 1994. Even if news services report on pedophilia crimes very often on Italian national TV, no reference to the arrests of priests charged with pedophilia-related crimes in the United States.³⁴ There has been no attempt addressed to a wide audience to disprove perceived links between homosexuality and pedophilia.

The average reader would pass through a sequence of articles that, even if she or he has no strong opinion on the matter, would instill into his or her mind a feeling of diffidence and hostility. The author has never been able to identify, in the course of the years from 1991 to 1998, an information source easily available nation-wide that could be clearly and unambiguously supportive of homosexuals. Examples of support or at least, impartiality, are indeed present, but come just from sources that have a marginal audience, or if the source has a large audience, they are organized to minimize their impact.³⁵ Most people will read only of association of homosexuals with murderers and criminals. Violence and murder will become (we could say subliminally) associated with them.³⁶

³⁴Reports started to appear years after this article was written.

³⁵It is very different to say that “the serial killer is homosexual” on the first pages of a national newspaper, and to publish a few rows on inner page of a newspaper like *Il Manifesto*, which has been supportive of homosexuals but which has a marginal audience. Different shares of audience are reached by the news service anchorwoman showing deep distaste and embarrassment when talking of homosexuality at the 8pm (i.e. prime time) live news service, and by broadcasting a more balanced TV-program on homosexuality at 1 am on the same channel.

³⁶The imbalance between negative and neutral presentation of homosexuality-related news can be quantified. A quantitative study may

The news and the anecdotes reported above outline four basic forms of bias:

1. The criminalization of homosexuals, and the suppression of homosexuals as victims;
2. The a-posteriori “homosexual-ization of criminals”;
3. The suppression of the homosexual identity for characters of positive valence;
4. The protection of institutional personages from the suspicion of homosexuality.

We will distinguish between direct and indirect criminalization of homosexuals, where for direct criminalization we understand the violation of laws banning homosexuality, or other illegal behaviors associated with (or including) homosexuality. For indirect criminalization we mean the attempt to charge a homosexual persons with crimes not committed and not related to homosexuality, for example robbery. Direct and indirect criminalization may be judicial or extra-judicial. Judicial direct criminalization implies that the (no matter how preposterously) accused still has a status in front of the law, but may lead to controversial cases that may attract unwanted international attention.³⁷

compute the mass impact of a new considering the tiratura of the newspaper, the position and size of the title within the newspaper. Such a study is beyond the aim of the present paper. It seems unquestionable, however, that explicit supportive attitude toward gays come only from marginal sources. The wide majority of Italians do not access such sources. The largest diffusion media depict homosexuals as criminals, murderers, serial killers linked to the most heinous crimes.

³⁷In 1968, the philosopher Aldo Braibanti was sentenced to 9 years in prison. He was found guilty of “plagio” (a crime since then abolished because of its vagueness, that may be loosely translated as “moral subjugation”). Police was pressured to intervene by the family of his male partner, younger, but above the legal age of consent. The “caso Braibanti” was perhaps the highest profile case of criminalization of homosexuality in Italy. The caso Braibanti was an attempt of direct criminalization of homosexuality: A. Braibanti was charged with a crime that was related to his homosexual behavior.

“E il caso Braibanti è un caso non giudiziario, ma politico e civile, perché ha messo in opera alcuni meccanismi di comportamento e pensiero che costituiscono una minaccia permanente per ogni uomo libero.”³⁸

“Il processo ha però rivelato un Italietta vecchia di secoli, dietro a cui si nascondono velenosamente gli ultimi fascisti, e i più biechi reazionari.”³⁹

It would be difficult to maintain laws that criminalize homosexuality in the present European political settings. Extrajudicial criminalization include all the cases where the criminal matter is not brought to the attention of a court, and may involve several different patterns. Some of them have been described earlier, and are aimed at creating a spontaneous association between criminals and homosexuals in the public opinion, but not with the openness that is required for judicial proceedings. It is clear that extrajudicial criminalization is a by far more reassuring than any form of judicial criminalization (as no assumption of responsibility either individual or collective is needed), also because the judicial system of Italy is widely recognized as slow and inefficient. Indirect criminalization is rarely recognized as a human right violation.⁴⁰ However, as we have seen, distaste toward homosexuals is so deep that they are seen as “non-humans”. It is a straightforward consequence that “non-humans” have no status in front of the law. In such conditions, actions taken undercover by police and Carabinieri would be welcomed by the public.⁴¹

³⁸Mariuccia Ciotta, «Caso Braibanti», inizia la strage di stato, *Il Manifesto*, 9 novembre 1996, p. 27

³⁹A. Braibanti, in a letter soon after his conviction and reported by the daily *Il Manifesto*.

⁴⁰A form of judicial indirect criminalization is the association of homosexuals and child abusers. There have been several cases of child abuse accusations against homosexuals in the last years: one of the highest profile case involved a religious sect “the bambini di Satana” whose leader was openly homosexual.

⁴¹On the other hand, extra-judicial criminalization may be preliminary to judicial criminalization, as it will make accusations appear more believable without need of proof. In such circumstances, accusations could be

It is difficult to undermine the importance of movies in popular culture. Even if not produced in Italy, they have been repeatedly broadcast by state-owned and private televisions, they have been watched by the widest public, they evoke a strong emotional reaction which remains unchallenged in the absence of a culture of sexual orientation and gender identity based on scientific evidence and on a rational model of inference. Taking into account the verbal taboo that homosexuality still is for most Italians, perceptions instilled by the media remain unchallenged. Comics could instill in children a feeling of diffidence that may remain unchallenged even during adulthood. On the one hand, mass media may be reluctant to assume a supportive attitude toward homosexuals because they fear a loss of audience. On the other hand, the reader is reinforced in his or her inner hate, and may easily gain the conviction that hate feelings like his or hers are universally widespread and legitimate. The association of homosexuals with the worst criminals and pedophiles may remain unspoken, vague and instinctive, but provides an ethical justification for hatred.

fabricated against anyone believed to be homosexual. Spreading the voice of homosexuality would serve as a surrogate proof.

4.4 **ALCUNE NOTE DI SOMMARIO SU THE 6th INTERNATIONAL CONGR- ESS ON SEX AND GENDER DIVER- SITY: REFLECTING GENDERS**⁴²

Nel corso del congresso è stato ribadito come il diritto alla propria identità di genere sia un diritto fondamentale di ogni individuo. Tuttavia, l'esistenza di un continuo nell'identità di genere viene negata anche dalla più recente legislazione. Vi è la necessità del riconoscimento di uno stato di transsexualismo senza diagnosi psichiatriche: a tutti/e dovrebbe essere riconosciuto il diritto di poter esprimere liberamente il proprio genere, unico nel senso di individuale. Nonostante questo, la qualità della vita delle donne transessuali in Europa e negli USA è tutt'altro che soddisfacente, anche per la permanenza di atteggiamenti transfobici che non sono adeguatamente affrontati. [...]

Speakers at the Conference remarked that the gender identity is a fundamental right of every person. However, the existence of a continuous variance in gender identity among people is denied even by the most recent laws. It is necessary that transsexualism is acknowledged without a psychiatric diagnosis: the right to freely express any individual gender identity should be recognized to everyone. Apart from theoretical considerations, the quality of life of transsexual women in the USA and Europe is unsatisfactory, also because of trasphobic attitudes that have never been effectively challenged. [...]

⁴²Raccolte da Paola Marziani. Il congresso si è tenuto a Manchester, UK, dal 10 al 12 settembre 2004. L'homepage del congresso (con i sommari di quasi tutti gli interventi): è tuttora disponibile all' URL <http://www.pfc.org.uk/congress/index.htm>

4.4.1 Diritti (o Dell' Utopia)

Moonhawk River Stone, e Rachel Wellbank hanno sottolineato che l' approccio corrente nell' analisi dell' identità di genere è basato sulla patologia delle malattie mentali e sullo stigma, con l' assunzione che il continuo dell' esperienza transgender sia intrinsecamente anormale. Comunità, famiglia, cultura e religione istituzionalizzano queste premesse e impediscono a ciascuno di esprimere liberamente la propria (unica) identità di genere. Sulla stessa linea, Jamison Green ha considerato che il modello bipolare (o binario della sessualità e dell' espressione di genere) ci limita a due tipi di sessualità (omo ed etero), due tipi di corpo (maschio e femmina) e due tipi di espressione di genere (maschile e femminile). Purtroppo questa visione, centrale nella nostra società, emargina coloro che non si conformano, incoraggiando la gente a prendere posizioni di superiorità morale che danneggiano i diritti umani ed i diritti civili. Green suggerisce che un apprezzamento della diversità e della continuità dell' identità di genere porterebbe ad un ridimensionamento di molti estremismi presenti nella nostra società. Anche Wellbank ha insistito sullo stesso tema: la nostra cultura (influenzata da un' eredità giudaico -cristiana) ha risposto al transessualismo con il più formidabile armamentario sociale: mistificazione, ridicolo, ostracismo, e violenza fisica. Le persone transessuali sono state caratterizzate come curiose aberrazioni addirittura quasi sub-umane, mentalmente malate o ritardate o pervertite senza possibilità di recupero. L' assegnazione del transessualismo ad una patologia psicologica, anche attraverso l' uso di termini come gender disphoria, è, secondo la relatrice, il risultato di un pregiudizio culturale, nato da un "genitocentrismo" che trova il transessualismo troppo trasgressivo per essere tollerato. Secondo Wellbank, la sessualità va considerata come un continuo multi-dimensionale: sociale (genere), sessualità biologica alla nascita, sessualità cerebrale (auto-determinata), ecc. Un interessante articolo della relatrice sui diritti umani delle transessuali è in rete al sito <http://www.wellbank.com>. In una prospettiva "storica", Louise Chambers ha ricordato alcu-

ne idee sul transessualismo maturate in ambienti psichiatrici a cavallo tra il XIX° ed il XX° secolo: Kraft-Ebbing considerava il transessualismo come il grado estremo di omosessualità degenerata, ed Havelock-Ellis un' inversione sessuale. Nonostante l'evoluzione storica dei modelli biomedici, anche attualmente le identità transessuali vengono sfruttate per rafforzare il dualismo dell'economia sesso/genere, e non vengono considerate naturali. Secondo Chambers, se parliamo dell'identità transgender attraverso il modello psicopatologico della psichiatria anglo-americana (e non solo...) ci troveremo a spendere enormi somme di tempo, denaro, energia in chirurgia ed altre "invasioni" per rendere il nostro corpo passabile come corpo del sesso opposto, mentre questo non sarebbe necessario. Kate Nash (Sussex University) ha parlato in una prospettiva più accademica e meno polemica, sottolineando comunque come il diritto all'identità di genere sia un diritto umano fondamentale che non è in contraddizione con lo Human Rights Act promulgato nel Regno Unito nel 1998.

In conclusione, come Wellbank ha sottolineato, vi è la necessità del riconoscimento di uno stato di transessualismo senza diagnosi psichiatriche, e come a tutti/e debba essere riconosciuto il diritto di poter esprimere liberamente il proprio unico (in senso di individuale) genere.

4.4.2 La Transfobia, le sue cause e manifestazioni (o Della Realtà)

La relazione di Umni KahnKahn, Umni dell'Università del Michigan ha presentato il caso di una donna esclusa come volontaria da un centro di assistenza per sole donne in quanto transgender. Kahn ha constatato che gli argomenti usati dal tribunale in un ricorso (respinto) sono stati quelli usati in passato contro molte donne nel tentativo di sminuire la loro dignità quando coinvolte in attività non tradizionalmente femminili. Secondo la relatrice, i criteri usati per respingere il ricorso della donna transgender minimizzano la realtà di ogni donna. Jakob Hero ha presentato una relazione su Transpho-

bia as the Genesis of Heterosexist Violence and Oppression. Traendo spunto dalla dinamica dei cosiddetti crimini d'odio (hate crimes), Hero suggerisce che all'origine della violenza alimentata dall'eterosessismo vi sia non la rabbia di fronte al concetto che due persone dello stesso sesso si amino, ma piuttosto che la trasgressione delle aspettative di genere che accende l'odio nella mente degli aggressori (p.e., un uomo che tiene una borsetta). La trans-inclusione è, secondo l'autore, l'unico modo di combattere la violenza e l'oppressione eterosessista. Tarynn M. Witten, PhD, del Trans-science Research Institute http://www.transcience.org/trans_lowspeed.html (a questo sito si può trovare una collezione dei suoi articoli) è stata un'altra tra i relatori che ha parlato delle cose che non vanno. Ha sottolineato come l'invecchiamento delle donne transessuali possa essere piuttosto misero ("grounded in a socio-ecological landscape of systemic actual and perceived violence and abuse"). L'esclusione sociale, le condizioni economiche disagiate sono fonti di stress, che, secondo la gerontologia attuale, possono essere collegabili a svariate malattie senili. Il testo dell'articolo è disponibile all'indirizzo

<http://www.transcience.org/researchpapers/GCMJArticle2002.pdf>.

Sul piano pratico, Nick Laird, di Beyond Barriers ha presentato uno studio sulle condizioni di salute nella comunità LGBT in Scozia.⁴³

Ha poi illustrato un progetto in corso di lotta alla transfobia partendo dalla libera discussione in gruppi trans sia FtM che MtF, che colmino le carenze inevitabili della psicoterapia individuale. Si sta sviluppando un pacchetto di training, Challenging Transphobia, che include materiale video, e che dovrà servire ad aiutare ad affrontare problemi tipici delle trans (come agorafobia, per esempio) con il controllo di un organismo di rappresentanza con tutte le organizzazioni trans* scozzesi incluse. È stato sottolineato l'"alto livello" di discriminazione e la consi-

⁴³Disponibile all'indirizzo http://www.beyondbarriers.org.uk/beyond_barriers/news/nhs_report.html.

derazione insufficiente delle stesse organizzazioni di supporto e della società in generale alla transfobia.

Insomma, la qualità della vita delle donne transessuali in Europa e negli USA è tutt' altro che soddisfacente.

4.4.3 Relazioni su situazioni nazionali (ed esperienze personali): Regno Unito, Francia, Spagna, Sud Africa, Argentina, Tailandia

Per il Regno Unito, Stephen Whittle, Claire McNab hanno presentato la recente conquista del Gender Recognition Act, che è stata salutata tra molti applausi. Il testo della legge è disponibile all' indirizzo:

<http://www.legislation.hmsso.gov.uk/acts/acts2004/20040007.htm>

Le norme generali della legge permettono a ogni persona transessuale/transgender che ha vissuto la propria identità di genere prescelta per almeno 2 anni, e che intenda continuare a viverla, di ottenere un certificato di nascita appropriato. Questo senza la richiesta di interventi chirurgici di adeguamento. Alcune preoccupazioni espresse hanno riguardato il costo della procedura e la riaffermazione della "binarietà" dell' identità di genere. In Spagna non vi è in generale supporto del sistema sanitario per la chirurgia d' adeguamento (solo nella comunità Andalusia è possibile). È possibile ottenere il riconoscimento giuridico dell' identità dopo la chirurgia, ma è stato sottolineato come la procedura dipenda dalla discrezionalità dei giudici. Anche in Francia le cose non sembrano essere al meglio: Stephanie Nicot, dell' *Association du Syndrome du Benjamin* (<http://www.asbfrance.org>) ha cercato di spiegare come mai il movimento transessuale sia emerso tardi in Francia. Secondo la relatrice, il transessualismo è stato relegato ad uno status sommerso sino agli anni Novanta. Grazie a Pasteur Doucé è nata una generazione di attivisti, ed ora vi sono 2 principali organizzazioni, la CARITIG and the ASB. In Sud-Africa (relazione di Pierre de Vos, University of Western Cape) possono contare su una costituzione adottata nel 1994 che proibisce discriminazio-

ne su ogni base incluso sesso, genere, ed orientamento sessuale. Però solo nel 2003, con *The Alteration of Sex Description and Sex Status Act* è stato possibile ottenere certificati di nascita corretti per chi abbia avuto chirurgia. Alcuni dei problemi legati all'essenzializzazione del genere nella legge sono stati discussi sulla base di casi individuali.

Sul piano dell'accettazione sociale, è stato effettuato un confronto tra la situazione delle donne transessuali in Gran Bretagna ed in Thailandia, sia in termini generali Anne Beaumont-Vernon, University of Essex) sia sulla base di un'esperienza personale (relazione di Gill Chrystina Dalton). In Gran Bretagna, una persona transessuale affronta almeno il ridicolo, o anche abusi verbali e fisici. Il benessere fisico ed emozionale delle transessuali in Gran Bretagna risente dall'esperienza associata allo stigma sociale che spesso accompagna la condizione. In Thailandia, al contrario, *kathoey* vengono trovati in ogni settore della vita sociale, e godono di una tacita accettazione, sebbene siano coinvolte in prevalenza in attività connesse all'"industria" del sesso. L'atteggiamento delle società occidentali sembrerebbe essere molto più distruttivo di quello delle società dell'estremo oriente.

In sintesi, in Europa sembra riproporsi un divario tra paesi del Nord (Regno Unito, Olanda Germania) e paesi mediterranei (Francia, Spagna, Italia). Nei primi vi è la possibilità di ottenere un certificato di nascita appropriato senza ricorrere a chirurgia per l'adeguamento dei caratteri sessuali primari, mentre in Spagna ed in Italia questo non è possibile. Sembra poi che le società dell'estremo Oriente appaiano come una specie di paradiso rispetto alle Occidentali (ma ci credo sino a un certo punto...).

4.4.4 Female to Male (FtM)

Un certo rilievo è stato dato ai transessuali FtM. Jamison Green ha presentato il suo libro *Becoming a Visible Man*⁴⁴. Un inte-

⁴⁴informazioni su J. Green e sull'acquisto del libro si possono trovare sul sito <http://www.jamisongreen.com/>

ressantissimo filmato è stato mostrato da Mary Nicotra dell'Associazione Donne in Viaggio⁴⁵, con interviste a transessuali FtM italiani. Sono emersi problemi relativi alle difficoltà dell'iter legale, all'assenza di un vero supporto da parte degli psicologi, ed alle difficoltà nell'intervento chirurgico. L'effetto mascolinizante del testosterone rende in qualche modo meno ambiguo il transessuale FtM del suo opposto; ma la maggior facilità nell'ottenere un aspetto esteriormente maschile è scompensata dalla maggior difficoltà nell'ottenimento delle funzionalità sessuali maschili. Jed Chandler (University of Wales) ha mostrato che, nel Medioevo, 36 donne vissute come uomini sono state santificate. È stato notato come questa sia un'altra espressione dell'atteggiamento negativo della Chiesa verso le donne: per servire la Chiesa bisognava essere uomini (la donna veniva considerata più legata alla corporeità, mentre l'uomo più adatto alla vita spirituale).

4.5 THE EUROPEAN COURT OF HUMAN RIGHTS: IS IT TRANSGENDER FRIENDLY? ⁴⁶

The European Court for Human Rights (ECHR) has been established as a full time court in late 1998, to enforce the European Convention of Human Rights (ECHR) over the countries members of the Council of Europe (an entity that includes the countries of the European Union [EU], as well as other European countries). Applications after restructuring soared, with nearly 10,000 registered applications as of June 1999.

The newly reorganized Court has the potential to become the foremost tool for the enforcement of human rights in Europe. The number of applications suggests a dissatisfaction with the judicial systems of several countries, and the need of an over-national remedy. Part of the activity of the Court has been re-

⁴⁵<http://www.donneinviaggio.com/index.htm>

⁴⁶HRA Ref. 1999/3

lated to the slowness and inefficiency of judgement by national courts. For example, the Court ruled against Italy (the EU country with the largest number of applications) in cases of simple judgements that took several years to be reached. Of 83 judgements in cases against Italy, about one half regarded violations of proposition 1 of article 6: “In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

This indicates that the Court has been burdened by cases which are mostly “marginal” human rights cases, and that could be efficiently dealt in national courts, or in other courts whose focus is not on human rights. For example, cases concerning article 6.1 have been about the unreasonable length of eviction procedures in Italy. Only in one case out of 83 judgements against Italy the subject of torture and ill-treatment in prison was brought to the attention of the Court.

It may be difficult that in the most homophobic countries in Europe abuses against gays and transsexuals could reach the Court. Not unlike what was not uncommon with rape’s victims, gay victims may be too often reluctant to expose themselves as gay, because the stigma may bring along further abuses and no support.

A major limitation may be also the lack of explicit legal tools for the protection of homosexual and transsexual women and men in the European Convention of Human Rights. Neither sexual orientation nor gender identity are mentioned in Article 14 (enjoinment of the rights set forth in the Convention).

In addition, in cases of transsexualism-related suits, the judgement of the Court has been often against the applicants, with motivations that appear disappointing. In the 1997 case of SHEFFIELD and HORSHAM v. THE UNITED KINGDOM, on

“authorities’ continuing insistence on determination of gender according to biological criteria and refusal to annotate or update information inscribed on

register of birth to take account of post-operative gender status” –

the court ruled that:

“... detriment suffered by applicants through being obliged to disclose pre-operative gender in certain contexts not of sufficient seriousness as to override respondent State’s margin of appreciation – situations relied on by applicants to illustrate detriment infrequent and requirement to disclose pre-operative gender in such situations justified – authorities have also sought to minimise intrusive enquiries as to applicants’ pre-operative status – no disproportionate interference with applicants’ rights to respect for their private lives.”

This means that any transgender woman has no right not to be “exposed as a transsexual”. The Court probably ignored the dramatic consequences (even life-threatening) that such exposure may have. In another case the Court ruled against the applicant, a transsexual woman who wished to marry a man:

In these circumstances, the Court does not consider that it is open to it to take a new approach to the interpretation of Article 12 on the point at issue. It finds, furthermore, that attachment to the traditional concept of marriage provides sufficient reason for the continued adoption of biological criteria for determining a person’s sex for the purposes of marriage, this being a matter encompassed within the power of the Contracting States to regulate by national law the exercise of the right to marry.

In all 7 cases on transsexuals brought to the attention of the Court, of which 5 on violation of Article 8 (“Everyone has the right to respect for his private and family life, his home and his correspondence”), judgment has not been in favor of the plaintiffs.

4.6 THE CATHOLIC CHURCH AND GAYS⁴⁷

The forthcoming World Pride 2000 unveils the lack of understanding and the direct encouragement of discrimination against Gays and Transgenders by the Vatican.

For the Vatican, Gay rights are not human rights, apparently because homosexuals are not “humans”. A few enlightening examples: (1) an Italian monsignore, speaking on homosexuality suggested that Gays are “ethically sick. Ethically sick means to be deprived of the most basic endowment of humans, i. e., the ability to distinguish right and wrong. The straightforward consequence is that Gays are not human. Albeit this may not be the official Church doctrine on the subject of homosexuality, similar considerations are frequently heard. (2) A 1999 deliberation of the Vatican Congregation for the Doctrine of Faith, barred, after a trial, two American religious, the founders of the “New ways ministry” from “continuing any pastoral action with respect to homosexual persons.” The National Coalition of American Nuns commented that instead of barring the two religious from their ministry with Gays and Lesbian, the Vatican should have praised sister J. Gramick for having shown to oppressed persons the compassionate love of the Church. They objected to the repressive stands “imposed by men – who do not show a bit of compassion and gratitude – on the back of other men.” (3) Again in 1999, the Rev. Zega, editor of the Italian weekly magazine *Famiglia Cristiana*, was fired a short time a paper entitled “Jesus loves lesbians, too” appeared on the magazine.

In the last few days, the Vatican Secretary of State, Cardinal Sodano has taken official steps to suppress or to postpone the 2000 World Gay Pride, which should take place next July in Rome, claiming that (1) “Rome is a holy city,” that (2) “everything must have its place,” and that (3) the Gay Parade is a violation of the Concordato, the international treaty signed

⁴⁷HRA bi-monthly Newsletter, February 2000, Vol. 4, No. 1

by Mussolini which still regulates the relationship between the Italian and the Vatican state. Cardinal Sodano suggested that the sight of Gay people would offend the believers. The Italian Government has taken, until now, tepid steps to justify the Parade. The Italian Foreign Minister said that he understood why the Parade could arredate offence, but that he saw no violation of the Concordato. Until now, only the mayor of Rome, among Italian politicians, sent a letter of support to the organizer of the Parade. Major show of support have come only from American institutions like the Congress.

The Church is not isolated in taking this stand. The HRA report on the homosexual plight in Italy gathered a large collection of documents and of anecdotal evidence indicating deep and widespread intolerance toward Gays and Transgenders – as well as with an elementary analysis of the social dynamics of reported abuses.⁴⁸ More recent events suggests that little has changed for the better. In August 1999, the secretary of the ARCI-Gay, a major Italian Gay rights organization, of Ravenna, has been hit by a car and then insulted: “Ugly faggott, you deserve worse”. A brick wall has been built in front of the door of the national office of ARCI-Gay in Bologna late in Dec. 1999, and a banner was appended there with obscene slur against homosexuals.

A law banning discrimination based on sexual orientation is presently being discussed in the Italian Parliament. The Catholic media and institutions are fighting it. The Christian daily *L'Avvenire*, called the law draft – which would introduce prison sentences for insulting Gays – “liberty killing and “potentially totalitarian. The daily *La Repubblica* reported complaints that the Military Police (*Carabinieri*) carried out “brutal searches and systematic round-ups of Transgenders.⁴⁹ HRA fears, therefore that even if the law draft is approved by the Parliament, it will remain very difficult for Gays and Transgender to seek a

⁴⁸See §4.3 on p. 68 in this volume.

⁴⁹M. S. Conte, Sit-in transessuale a Montecitorio: 'Ci discriminano', *La Repubblica*, 8 giugno 1988; I transex ricorrono all' Aja: basta con le persecuzioni, *La Repubblica*, 12 agosto 1992.

judicial remedy to any abuse.

Capitolo 5

Book Reviews and Short Notes

5.1 REINALDO ARENAS' AUTOBIOGRAPHY: INTELLECTUAL HONESTY & PERSECUTION¹

Reinaldo Arenas' *Antes que anochezca* (Autobiografía) is, in many ways, a remarkable book. Even if focus is not only on human rights, it unveils with an impressive clarity several strategies that have been used (and that are being used) to persecute dissidents everywhere around the world. As a matter of facts, Arenas was arrested because he was a dissident writer as well as an homosexual, but his homosexuality passed into shadow in comparison to all detraction Cuban security added to arrest him.

Decían que se trataba de una persona che había asesinado a una anziana, que había violado a una niña; en fin, todo tipo de crinmenes repulsivos que pudieran incitar a cualquier persona a denunciar los sospechosos. (p. 200)

¹HRA Ref. 2004/1

Can we rest assured that Reynaldo's kind of experiences remain confined to brutal dictatorships? It is rather a wishful thinking. The criminalization of sexual diversity is nothing new even in Western Europe: it is even acknowledged in a 1989 statement of the European Union concerning transsexuals. However, can we meaningfully compare Cuban totalitarianism to social and political conditions in Europe and the US today? Let Reinaldo Arenas speak with his own words:

... gran parte de la población marginal que no aspira más que a vivir y, por lo tanto, es enemiga de todo dogma e hipocresía política... (p. 15)

... somos personas que no podemos encontrar sosiego en ningún lugar ; el sufrimiento nos marcó para siempre y sólo con la personas que han padecido lo mismo, tal vez podemos encontrar cierta comunicación. (p. 330)

Which is true for most homosexuals and transsexual people.

La libertad era una cosa de la que se hablaba casi incessantemente pero que no se ejercía; había libertad para decir que había libertad o para ensalzar el régimen, pero jamás para criticarlo. (p. 85)

Even in democracies, several forms of criticisms are considered an offence.

Y estas cosas ocurren porque en los sistemas políticos siniestros, se vuelven siniestras también las personas los padecen ; no son muchos lo que pueden escapar a esa maldad delirante y envolvente de la cual, si uno se excluye, perece. (p. 108)

... cómo la condición humana va desapareciendo en los hombres y el ser humano se va deteriorando para sobrevivir; la delación es algo que la inmensa mayoría de los cubanos practica diariamente. (p. 227-228)

In some European countries people seem to have become afraid of everyone and everything they do not know.

La belleza es en sí misma peligrosa, conflictiva, para toda dictadura,, porque implica un ámbito que se va más allá de los límites en que esa dictadura somete a los seres humanos; es un territorio que se escapa al control de la policía política y donde, por tanto no pueden reinar. Per eso a los dictadores les irrita y quieren de cualquier modo destruirla. (p. 113)

... en general, la inmensa mayoría no tollera la grandezza, no soporta que alguien destaque y quere llevar a todos a la misma tabla rasa de medicoridad general... (p. 312)

Creativity and beauty: two qualities that frighten every totalitarian regime since they cannot be easily controlled. Beauty is, for transsexual women, also an aspiration that can help fight marginalization.

¿Qué se hizo de casi todos los jóvenes de talento de mi generación? ... fue fusilado ... terminó alcoholizado ... acabó suicidándose ... muere recientemente en condiciones bastantes turbias ... (p. 115)

It reminds of the words of Allen Ginsberg: the brightest minds of his generation died in similar fashions...

Sin embargo, el puritanismo castrista miraba también con malos ojos a las mujeres solteras que tuviesen una vida secul un poco liberal. (p. 177)

Yo me sentía perseguido y con toda razón. A veces, cuando escribía, la policía parqueaba su auto en los bajos de mi cuarto y permanecía allí durante horas; era come una advertencia o una manera de intimidirlo a uno aún más. (p.179)

... quando se vive en un paás come aquél, lo mejor es evitar todo contacto con la policía. (p. 181)

This can be tragically true for transsexual women.

... y todavía los mecanismos de persecución no estaban tan sofisticados en Cuba desde el punto de vista técnico. (p. 302)

Now, surveillance techniques are by far more sophisticated. As of today, Reinaldo Arenas would not have been able to escape from any Western country.

... esa izquierda festiva y fascista ... (p. 310)

Hostility against transgenders and homosexuals is present in all political parties, even if leftist parties are, at least in words, supportive.

In summary, Reynaldo Arenas' work offers deep insight in human rights situations that are, unfortunately, not restricted to the Cuban dictatorship and may easily become a tragic reality in Europe and in America. Especially after 9/11, it seems that we are sliding toward a people-supported police state with a thin crust of democratic institutions, but no real common understanding of the foundation of a liberal society.

5.2 SHORT NOTES

FOCUS ON TRANSGENDER RIGHTS² The HRA web page hosts a new, special page dedicated to transgender rights, with an annotated bibliography dedicated to people that are approaching for the first time the subject. Especially interesting are True Selves : Understanding Transsexualism - For Families, Friends, Co-workers, and Helping Professionals by Mildred L. Brown, Chloe Ann Rounsley (Contributor), and Transgender Warriors: Making History from Joan of Arc to Dennis Rodman by Leslie Feinberg. It cannot be ignored that transgender persons have been targets of negative propaganda spread by mass media. Violence, discrimination, and attacks appear on the rise, too. Any attempt to link transgender to evilry and wickedness sounds very much like an attempt by oppressive governments to scapegoat a sexual minority, levying on widespread ignorance and prejudices on transgender issues.

FILIPINO AND GERMAN GAYS³

Associated Press reported early this year about the attempts of Filipino gays to avoid the introduction of a personal identification card in the Philippines. Filipino gay rights organizations maintained that this could be a step toward the compilation of records of homosexuals in their country, even though the perspective ID

card would not report sexual orientation. One may think that Filipino gays overreacted. It may be not so. In 1996, attempts were unveiled that German police stamped the passport of [even foreign] homosexuals with an infra-red readable label. Apart of the obvious illegality and wickedness of this procedure (which violates Article 7 of the UDHR) – one may reflect on the investigative effort that is needed to identify people according to their sexual orientation. To carry out such identification a considerable amount of police resources and wiretapping are needed. This kind of activity violates several articles of the UDHR. This practice may let homosexuals easy target of illegal police surveillance and harassment.

HRA has no indication that such stampings were abandoned, and police in several European countries reportedly continue to be a stronghold of hostility toward gays.

²HRA bi-monthly Newsletter, Oct. 1998, Vol. 2, No.5

³HRA bi-monthly Newsletter, Oct. 1997, Vol. 1, No.1

Parte IV

Scapegoating and Racism

[...]

Meditate che questo è stato:

Vi comando queste parole.

[...]

Primo Levi, *Se questo è un uomo*

Capitolo 6

Articles

6.1 ON SCAPEGOATING¹

This paper reviews the scapegoating process against minorities and individuals, and identifies its implications for human rights abuses.

Questo articolo descrive sommariamente le proprietà del processo di genesi del capro espiatorio orientato verso minoranze ed individui, ed identifica implicazioni per gli abusi contro i diritti umani.

6.1.1 Introduction

Biblic tradition says a scapegoat was a live goat over whose head Aaron confessed all the sins of the children of Israel on the Day of Atonement. The goat, symbolically bearing their sins, was then sent into the wilderness. The term scapegoat has become, in current English usage, a synonym for someone who is made to bear the blame of others. Does scapegoating occur in social groups, or in the whole society at large? The answer is definitely yes. It is clear that scapegoating is not the simple substitution of one person for another. It is a much more complicated process especially if occurring between large groups, and

¹HRA Ref. 2001/1

especially worrisome if there is a large imbalance of power, as in the case of who become scapegoats of large groups. Scapegoating may take the form of a ritual equivalent to human sacrifice, or be literally a human sacrifice. Scapegoating is instrumental to the worst violation of human rights against individuals and minorities, including genocide.

6.1.2 Scapegoating as a form of social behavior

Scapegoating seems to be a rooted pattern of collective behavior, as it survives in so many groups and apparently enlightened and “free” societies in North America and Europe, even if it takes forms that in most cases are explicitly forbidden by fundamental laws. Ineffective, but extremely tempting and appealing, scapegoating appears obvious and natural in a way that defies reason. “Natural” as it was the human sacrifice carried out every day to the god Quetzalcoatl to let the sun rise the day after: who, among all Atzechs, could be so perverted not to want the sun to rise the day after?

Group behavior can be very different from individual behavior. A group is not as bound to ethical laws as an individual can be. A group can redefine ethical values, rules and norms – what is right, acceptable and true – within itself. An individual can in principle do the same, but the outcome will be different. Individual redefinition of norms and values is weak, as such redefinition, if applied as personal behavior, may sever social ties and may easily put the individual itself in jeopardy: he or she has no social source of self assurance. Doing socially approved and valued actions creates a feedback that sustains the self, like in the ideal case of “the hero walking across the cheering crowd.” A member of the group will mirror himself or herself in other members of the groups that are convinced to act rightfully. The larger the group, the stronger the self assurance, and ultimately, the lack of individual responsibility.

6.1.3 Scapegoating as a ritual

Scapegoating may take the form of a ritual. A ritual reinforces social ties. There are however two kinds of ritual. One that is liberating, full-filling and ripe for achievements, and one that is just the opposite: demeaning and alienating, in which no substantial improvement is sought or achieved. Participation in a collective enterprise like space exploration offers many ritual aspects that lead to objective achievements. Another example of the bright side of the ritual is the “greeting”. Greeting is a codified ritual. Raising one’s arm and hand straight was the Nazi ritual of belonging, and as any other ritual of belongings, it brings relief. Sharing a value and acting according to it, sometime in opposition to an antagonist group is reassuring. Scapegoating is the dark side of “rituals of belonging”.

Valuing an ancient tree as a sacred spot, since the community of the village gathers there since time immemorial, is the positive side of belonging; to sacrifice the foreigners that had breakfast and rested under the shadows of the tree branches because they violated the sacred tree is its dark side. The “paradox of the sacred tree” is an unfortunate and frequent occurrence. Too often a group or society steps from emphasizing the features that unite them into attempting to destroy anyone that does not conform.

6.1.4 Scapegoating as an alienation process

Scapegoating can be a self-destructive process, as it is basically a process of alienation; it is the way a dying society disguise its septic lunacy into the sickening madness of stigmatized individuals or minorities. It is a process that gives a surge of self-satisfaction and self-fulfillment – intense but ephemeral as it leaves real problems unsolved or worsened. Suppose the sailors in a ship which is embarking water stop pumping or throwing water out of the ship and they suddenly start kicking a black cat because they believe it is responsible of their misfortune. If everyone works at throwing water out, the ship may not or

may still sink; however, if everyone stops throwing water out, the ship will certainly sink. The “black cat” paradox summarized the double alienation produced in the scapegoating process: (i) awareness of the real urgency is lost; nothing is done to solve real problems that may worsen or become unsolvable with time; (ii) the real view of the scapegoat is lost: the label enforces stereotypes and perceptions that become a self-fulfilling prophecy (the ship must sink because black cats carry bad luck).

Conditions that make scapegoating possible include ethical and moral guidance that are not apt to cope with real conditions, norms and rules imposing values that lead to heavy behavioral restraint, as in the case a self-denying behavior becomes the behavioral counterpart of value. Such conditions may help some core values become anthropologically surcharged.²

6.1.5 Advantages of Scapegoating

Scapegoating would probably not occur if it were not perceived as advantageous. The first advantage of scapegoating is that it is a self-protective process: it protect the individual from unbearable conflicts. It can involve projection – a psychological defense mechanism in which one attributes to others characteristics that one is unwilling to recognize in oneself. Many people with personal traits they dislike in themselves have an understandable desire to get rid of such traits, but this is not always possible. Therefore, they may “project” some of these traits onto others (often to some other groups in society), thus displacing the negative feeling they would otherwise direct at themselves.

²We call anthropologically surcharged values which have acquired an anthropological worth, i. e., which are instinctively perceived as related to the survival of the self and of the kin. Such values may be anthropologically rooted, in the sense that they define and distinguish individuals and groups on the basis of anthropological properties (for example, race), or may be the products of a fairly intricate super-structure, entangled with sets of rules and norms apparently devoid of any anthropological basis. In both cases, the surcharge is acquired because a value is felt endangered, for instance by an intervening source of physical pressure. A behavior transgressing norms and rules associated to surcharged values generates a strong, emotional reaction.

In the process, they then reject and condemn those onto whom they have projected the traits.

A strong advantage in scapegoating is that the whole society or a whole social group is raised in status against the targeted minority or individual, and any societal behavior is at the same time legitimized (“Of course we are full of defects, but we do not act like them”). Intrinsically damaging conditions or behavior may be overlooked. It is not surprising that scapegoating may easily become a process of self-deception and alienation. The process becomes a self-sustaining paranoia in which perception of real danger and of real pressures is wishfully lost.

6.1.6 Scapegoating and Dictatorships

This implies that the quest for strong leadership and scapegoating are two sides of the same coin. One should first consider that the “strong leaders” – dictators like Hitler and Mussolini – were mass-men. They were identifiable with the average German or Italian of the time, with their aspirations, dreams, and especially frustrations. A large fraction of the lower middle class was willing to relinquish political responsibility – they felt they were putting one of them in charge – and were, in a way, empowering themselves. One of them that would also act like them. Both scapegoating and a strong leadership tend to legitimate the habits and the zaniest fancies of mass-men.

A second factor is that such dictatorships do not rise in times of prosperity and self-assurance: they rise under economic, or physical pressure, a condition that, under certain conditions, will favor scapegoating. As a matter of fact, several dictatorships of the XXth century were accompanied by scapegoating of minorities.

At the same time, the Jewish-Christian culture is dominated by the notion of individual responsibility. Collective responsibility is barely a notion, and is ineffectively dealt with. So, eventually, the leader becomes the sole responsible of his actions, a new scapegoat.

6.1.7 The Collective Dimension of Evil

Groups can act in ways which are strikingly distinguished from individuals. The very possibility of the worst human rights abuses resides in scapegoating and in the diffusion of individual responsibility, which are forms of group behavior. We already distinguished between a “bright” and a “dark” side of group behavior. The positive side is group reinforcement of individual behavior which is consistent with values and norms within the group and with society at large. () There are of course, myriads of examples; usually however belonging to a group is a source of strength and of self-assurance, although not always this strength is used in a positive way.

The negative side is enhancement of disruptive behavior or of meaningless behavior (as in the black cat paradox, and in scapegoating in general) without perception of responsibility, in a process that suppresses in part ethical and rational consciousness. Rules and norms that govern a normally working society must be overruled, but just for the group that is being targeted and not for anyone else. ([2]) Hence individuals retain the same degree of responsibility when dealing with other individuals belonging to the same group. Lynching and pogroms involve large group, and accounts of how large group can unleash violence and hatred are countless. Large groups usually can maintain segregation of a target group, dehumanize the members of that group, ethically legitimize hatred and can diffuse responsibility beyond individual group members. In addition, individuals belonging to large group feel less responsible because of the lack of a cognitive culture on “collective responsibility”. This collective dimension of evil is totally ignored in Western culture. There is no cognitive culture acting against the feeling of self-assurance, of empowerment that is felt once everyone else in the group feels the same urge, the same need. And what is behind the urge and need is often a physical source of stress which appears as an attack to values that have become anthropologically surcharged.

No wonder if collective behavior may seem tremendously ir-

rational to a privileged observer.³ Dehumanization and diffusion of responsibility are concomitant to the individual partial loss of rational consciousness..

Diffusion of responsibility drives towards de-individuation of each member of the group, but there is scant knowledge and awareness of the group responsibility as a whole. Scapegoating goes beyond simple diffusion of responsibility. The group members feel relieved by their responsibility but not just that: the problem is there but the responsibility is projected elsewhere. While the stress jeopardized the integrity of the self and of the group, the projection enhances the group against the targeted minority: “we are the best, the righteous ones.” Dehumanization is in this sense, a necessary pattern to reconcile the values of the group and the non-conforming behavior:

“Dehumanizing the victims allows group members to feel less reticent about violating society’s larger rules about social interaction. Society’s rules and morality do not apply because the victims aren’t really people.”⁴

And it is obvious that dehumanization works better in conditions of structural or super-structural segregation: dehumanization is the extreme in a label reinforcement process. There is no challenge within the group not only because no individual belonging to the group is immediately jeopardized, but also because each individual is enhanced with respect to individuals of the target group. Rather, it may damage one’s reputation to side with the attacked minority.

The self-deceptive enforcement of the label requires that the victim be perceived as socially dangerous. This is implicit in the scapegoating process. Violent reaction is expect in return to

³A privileged observer may be defined in close analogy with physics, e. g., as an individual that does not share the values or the momentous feeling of the group, but that, on the contrary, follows a rational model of inference

⁴G. B. Northcraft & M. A. Meale, *Organizational Behavior*, International Thomson Publishing, Chapter 7.

violent action. The group sets however on the side of the pro-life, pro-individual values: the values that the targeted minority “attacks” in reality, the most cherished values of the group. The targeted group is seen as intrinsically evil: it is differentiated from the group so that it cannot share (by physical impossibility) the values of the group, and it is attacking values related to the survival of the individuals and of the group as a whole. In this sense, the minority under scapegoating cannot be recognized as ethically right, while the attacking majority perceives its behavior always as ethically right. Violence appears not only legitimate, it appears necessary, and there is no law or force in the world that would divert the majority to bring violence to the point of massacres and extermination.

It is frightening that instinctive forces drive socially accepted behaviors today, and still affect the life of an untold number of people. Scapegoating may become literally a human sacrifice. Western society is structurally weak toward scapegoating processes that lead to human rights abuses. The nuclear family provides shelter and warmth and a feeling of security for the child – but at the same time isolates it from the other children. Few are the experiences of communal life. Few are the bonds that are kept from the first infancy till adulthood. Western society is made-up of isolated nuclei, which interact very weakly with themselves. This is true in an extremely individualistic society as the US, as well as in groups where an other-oriented behavior is considered most welcome. The social dynamics allowing abuses is different in an individualistic and in an other-oriented group, but what matters is the structural constraint. We may ask why transgender persons were tolerated or put in a position of prominence in other cultures, for example those of Native Americans. The tepee social structure allowed for a common growth and education of children. And it is difficult to reach the point of murdering anyone who has been known and seen since early childhood. The human bond is too strong. The enemy had to be sought outside of the tribe, and the dark side Native American paid to their structural ability to cope with diversity within the tribe – was a cruel and endless inter-tribe

warfare.

6.1.8 Conclusion: the Necessity of a “Copernican Revolution”

We are in need of a Copernican revolution that may shift the center of attention from spotted individuals or minorities – to whole groups and societies, to the dark side of group behavior – which goes unnoticed and uncensored until irreversible and tragic happenings appear to explode from nothingness. Dehumanization – and the converse – the reaffirmation in an obsessive way of rightfulness and superiority – are the evidence, the symptoms on which individual judgment can rely to reveal the sickening madness of a society, under the assumption that values enshrined in the Universal Declaration of Human Rights are valid without exceptions, as we believe it is the case. History teaches that scapegoating of minorities has led to tragedy and ultimately, to the self-destruction of the attacking group. Scapegoating of outstanding individuals – from Hypatia to Turing – has been associated to the decline of countries and civilizations, and to untold suffering for an untold number of people. We will not dwell more on that. Until everyone can dehumanize someone else on the basis of different beliefs, customs, skin color, sexual orientation, gender identity etc. hate would sooner or later appear legitimate or necessary. Perhaps under climatic, economic, demographic pressure accepting co-existence with groups close but different from our own, is difficult. Perhaps to make this co-existence possible is a most important – as yet unfulfilled – goal of civilization.

6.2 ANTI-SEMITISM IN PRESENT-DAY EUROPE⁵

Anti-Semitism seems to be endemic in present-day Europe, and has not been adequately challenged in European culture even if a surge of widespread anti-Semitism seems unlikely to occur in the near future.

L'antisemitismo sembra essere endemico a tutt'oggi in Europa e non è stato adeguatamente affrontato sul piano culturale. Tuttavia, sembra improbabile il ritorno di un antisemitismo diffuso in molti paesi europei.

Anti-Semitism denotes an hostile attitude toward Jews, and becomes manifest through political, social, and economic agitation and activities directed against Jews.⁶ Anti-Semitism is endemic thorough Western history since Roman age. It is often repeated in popularizations and in the news that the Holocaust is an event unique in history. This is the first commonplace to dispel. The Holocaust has been unique quantitatively – a memento of the destructive power of modern states – but not qualitatively. In almost every country of Europe Jews were, from time to time, persecuted, expelled and murdered. Jews were banned from England in the XIIIth century after massacres and anti-Jewish uprisings. In the late XIXth – early XXth century, pogroms – mob upraising against Jews, whose literal meaning is “devastation” in Russian – rocked the Jewish communities of Eastern Europe. Pogroms caused hundreds of victims whose property was often looted and destroyed. The Kristallnacht of 1938 in Germany, when synagogues were burned, Jews assaulted on the streets, and Jewish business looted, can be seen as a further example of pogrom. The Jewish historian Raul Hilberg shows that several provisions under Canonical Right resemble or find a close parallel to the Nazi anti-Jewish legisla-

⁵HRA bi-monthly Newsletter, February 2000, Vol. 4, No. 2

⁶An excellent synopsis of anti-Semitism thorough history is provided by the Microsoft Encarta article on anti-Semitism, by N. N. Glatzer.

tion. The last ghetto inherited from the Middle Age, the one of Rome, lasted until the temporal power of the Pope collapsed and the Royal Italian Army liberated the city in 1870. A German journalist who visited the Roman ghetto shortly before that date reported that he had seen few streets, filthy, wet and cloaked in darkness, where 4700 human beings were crammed together.⁷ In the Soviet Union, hundred of thousands of Russian Jews were deported to Siberia in the late 1940s.⁸

Anti-Semitism still lingers in Central and Eastern European countries. Occasional acts of vandalism – like the desecration of Jewish cemeteries – occurred recently in Germany, Italy and France. Are these acts of vandalism the symptoms of a superficial general acceptance – or are they the manifestation of well-isolated and marginalized individuals?

The first impression is that anti-Semitism is neither socially nor politically supported in Europe, and that a surge of renewed anti-Semitism seems unlikely at the moment. In the upper middle class and among the most educated, anti-Semitic remarks are a verbal taboo. It is probably so not only because of the recent memory of the Holocaust, but also because the middle and upper classes – which incidentally make up the largest share of politicians – have had opportunities to appreciate and experiences diverse lifestyles and cultures. The late XIXth and early XXth century anti-Semitism is related to Nationalism. In the early XXth century, the closest neighbor nation was either an ally or, more often, an enemy. Infra-structural changes during the XXth century but especially after W. W. II have transformed this view. The improvement in travel capabilities and cultural “interbreeding” made possible by the learning of foreign languages as part of the standard educational curriculum “desegregated” neighboring European countries, making possible a break

⁷Destruction of the European Jews by Raul Hilberg, Paperback Student ed edition (September 1985) Holmes & Meier Publishing, Inc.

⁸There are several very good accounts of anti-Semitism thorough history. One general history of anti-Semitism world-wide is *The Jewish Question: Biography of a World Problem* by Alex Bein, published by Ferileigh Dickinson in 1990. A recommended reading is *From Prejudice to Destruction: anti-Semitism 1700-1933*, Harvard University Press, by Jakob Katz.

of stereotypes and a widespread, direct experience of different customs and habits. It is simply unrealistic to blame for the trouble of Germans the French neighbor whose lifestyles are so similar to their owns and with whom many Germans have now long-standing ties and common interests. Any dehumanizing pattern would not work.

This is only partly reassuring. There are two major sources of concerns which are specific to Jews.

- Jews are different from neighbor peoples: they are differentiated, but they share the same resources, and the same territory of the host society. In the case a source of pressure jeopardizes the well-being of groups of the host society, as a differentiated resource-sharing group, they may be turned once more into scapegoats. This pattern is probably rooted in the behavior of the hunter-gatherer man. Instinctively, the hunter-gatherer turns aggressive toward any non-kin man that may share his territory if the resource become scant enough to jeopardize the well being of himself and of his kin.
- Anti-Semitism – as well as other forms of racism – seem to be lingering in the lesser educated and in the economically weakest classes. The lower middle class benefited less of cultural interbreeding which followed the collapse of nationalist Europe. Poorly educated people in Europe often did not have any contact with the reality of neighboring countries: they have not traveled extensively abroad, nor have they learned a second language. They are more prone to feel strongly economic pressures that may leave the middle and upper class unaffected. For example, people which completed only the compulsory school cycle, which are the majority of the Italian adults, are expected to have learned very perfunctory notions of a second language.⁹

⁹In passing, we cannot avoid to note how an efficient teaching of foreign language and culture – where for efficient learning we understand the acquisition of the ability to gather new enlivening and enriching cultural

- The cross-border cultural interbreeding did not involve Jewish customs. For instance, how many Europeans know the meaning of the word “kosher” and the origin many Jewish customs and beliefs? Many Jewish habits including the Jewish calendar are unknown to most people. While Jews have benefited from the aspiration of universal peace and understanding among different peoples, and from the “desegregation” of neighboring European countries, there has been little interbreeding with Jewish customs and habits in Europe.

Jews were kept segregated and were differentiated on the basis of religious beliefs, habits and customs. They were a minority living in cities – often moving from town to town without fixed geographical roots. Segregation implied the absence of strong social ties with the host society – in this case Christian Europe. Segregation helped, from time to time, to turn Jews into scapegoats depending on the source of pressure which was acting on the host society as a whole. Differentiation between Jews and Gentiles due to different attire, as well as between other social group, has been blurred after W. W. II. It has also been noted that the Jews that survived in Germany and Poland have become such tiny minorities that they probably are not a sufficient number to become scapegoats for the troubles of an entire nation.

Anti-Semitism may again become widespread if economic pressures turn strong enough. The most important deficiency it is that the basic pattern underlying anti-Semitism, which has helped make anti-Semitism so widespread in the past, all historical changes notwithstanding – i. e., the instinctive behavior of the hunter and gatherer man, which we may call a remnant of human savagery – has not been strongly challenged by culture. A challenge would involve forms of group behavior which are as yet poorly understood, and whose even partial understanding is not widespread enough.

experiences from the knowledge of the foreign language –can achieve an almost complete desegregation leading individuals to merge aspects of their original and acquired culture.

In addition, the easiest strong antidote against anti-Semitism – which is obviously a vaccine against other forms of racism as well – has not been used. It would have implied a cultural interbreeding between Jewish and Gentile customs and habits. Such interbreeding did not take place in Europe. It would have meant, for instance, to let most people live some of the valuable Jewish customs or artistic accomplishment as part of their personal experience.

Anti-Semitism seems therefore restricted to a marginalized minority not because Europeans have gained cultural awareness of the patterns leading to abuses against Jews or because Jewish customs have been appreciated and at least partially “internalized” but rather because there is no strong infrastructural pressure (like economic recession) driving toward anti-Semitism in Europe. To avoid any further surge of anti-Semitism it seems necessary to favor a more explicit Jewish “cultural desegregation” in these times.

6.3 SCAPEGOATING CRIMINALS & IMMIGRANTS¹⁰

In times of economic prosperity and relatively damped social conflict, growing intolerance toward criminal behavior appears to be motivated by anthropological factors rather than economic pressures. There might be worrisome long-term consequences for human rights.

In un'epoca di prosperità economica e di conflitti sociali “smorzati”, l'intolleranza verso immigrati e comportamenti criminali sembra essere motivata più da fattori antropologici che da pressioni economiche. Ci potrebbero essere preoccupanti conseguenze a lungo termine per i diritti umani.

¹⁰HRA bi-monthly Newsletter, February 2000, Vol. 4, No. 3

Statistics show decreasing frequencies of the most serious crimes in several Western countries, including the United States. It is well known that crime rate correlate with the average age of the population, and that the population of most Western countries is aging. Not only European Union countries have the lowest birthrate in the world; the “population pyramid” is significantly affected. Nonetheless, the attention of the general public is more and more polarized toward crime. It is likely to be so because elderly people see themselves more as victims of violent crimes (against which they see themselves defenseless) rather than as possible perpetrators. In countries where there is a significant influx of immigrants, which are most likely to be young people (or, in other words, whose age distribution median is far lower than that of the host population), the criminals may also be seen with increasing frequency as an element alien to the host society. This is especially true if the wave of immigrants is of recent origin as in some southern European countries like Spain and Italy. The presence of an anthropological pressure (the increasing average age of the host population) and of a segregation factor (the young immigrant yet foreign to the culture of the host society) are both conditions that favor scapegoating. In addition, baby boomers who have become the present “ruling” generation lived through relatively violent social unrest (i.e., the student movement of the late Sixties and early Seventies; crime and terrorism wave following the great oil shock of the Seventies). In crude words, they were themselves violent. We can call this condition a “disadjustment” condition.

Thus criminals may be targeted by a dehumanizing pattern, leading to disproportionate measures or the justification of exaggerated violence – and of the invalidity of major standpoints of the Universal Declaration of Human Rights – against no-matter-how petty criminals, especially if they belong to a racially segregated minority. Cultural indoctrination perpetuating the “police-hero” rhetoric is especially dangerous in the framework of this sort of anthropological pressure. People apparently do not attempt to look straight at inefficiency or even corruption of police and the judiciary; they rather call for more police and

more surveillance, paving the road to the suppression of fundamental civil rights not only for the segregated minority, but for the general population as well.

It is important to remark that fundamental rights do exist for everyone without exception. No majority – no matter how overwhelming or self-motivated – can exploit the right of a minority they despise. This remains true even for people that are accused of the most heinous crimes: the heavier the accusation, the better the opportunity should be given to a defendant to demonstrate his/her innocence. This is a restatement of the basic principle of Habeas Corpus.

Scapegoating is a dangerous process – which entails so deep hatred, prejudice and even dehumanization instincts – to make impossible any form of justice or judgment based on a rational model of inference. Rather, even vague indications may be taken as a proof. In this thwarted procedure, positively outstanding individuals may become scapegoats even more easily than dangerous truly anti-social persons. Scapegoating is a process that should be fully eliminated from society. It takes very little – in countries where accusations can come only on the basis of a tape or of writing, like some European countries – to accuse and convict innocent people associated to a particular discriminating feature, a sort of “legal lynching.” And it is impossible to make “scapegoating” an “efficient process”. Unfortunately, mass media and politicians alike apparently obey to irrational and alienating forces – almost never providing accurate information necessary to objective judgment to the widest possible audience instead focusing on single, highly emotional cases that, in a population of tens of millions, are not hinting at typical conditions or at general trends. Politicians then emanate laws to satisfy these ephemeral and highly alienating urgencies. Long term consequences may be far reaching, and go much beyond the factually unmotivated search for scapegoats. An organized apparatus like the police may easily welcome laws and procedures that enhance their power and make their work easier – but may resist any attempt to back up to more verifiable practices once the feeling of emergency has passed. Laws and the unpre-

cedented monitoring ability offered by miniaturized electronic devices are building up a totally monitoring apparatus that is not unlike the Orwellian Big Brother. The pathetic attempts to banalize this totalitarian tendency through televised serials like the “Big Brother” just add to the concern.

Capitolo 7

Book Reviews

7.1 THE WORK OF RENÉ GIRARD: FLASHES OF LIGHT IN THE DARKNESS OF VIOLENCE L'OPERA DI RENÉ GIRARD: SPRAZZI DI LUCE NELLE TENEBRE DELLA VIOLENZA ¹

We met the French author René Girard on May 22, 2001. Prof. Girard was in Italy as a distinguished guest to receive a degree *Honoris Causa* from the University of Padua and for the presentation of a volume entitled *Between Dioniso and Christ - The Greek Wisdom and Western Civilization*, published in Italy by his former student Giuseppe Fornari (Pitagora Editrice - Bologna).

René Girard, anthropologist and literary critic, has taught in several prestigious American universities and has aroused a big interest in Italy where some works of his have been published by Adelphi. Among them, we remember: *The violence of the sacred* (1980), *Things hidden since the foundation of the world*

¹Contributed by Francesco Stevanato; Ref. HRA 2002/1

(1983), *The scapegoat* (1987). Several of his essays appeared in 2000 with the title *The Discarded Stone*.

The conference allowed to bring attention on the central theme of René Girard's analysis: the ancient and unfortunately always new phenomenon of violence. A violence that, according to the French author, is connatural with man and especially with the social man, forced to find remedies that can in turn originate other violence or disguise it. Although is inappropriate to reassume in a few lines the original thoughts of the writer - and it is much better to look at his writings - we are able to affirm that the principal thesis is contained in the concept of the scapegoat. Man answers to his anguishes and tensions giving birth from the social provision always with an equal mechanism, perverse and self-perpetuating: to identify the guilty one, the sacrificial victim on which to polarize anxieties of the community, creating unity in the group compacted against an enemy, a guilty one that becomes victim and at the same time savior of society. But if the killing of the victim involves a temporary decrease of tension, it creates a sense of guilt that will grow up and eventually make it necessary to find a new scapegoat to be quenched. There was room for references to concrete situations that show like the foreigner, the black, the Hebrew, immigrants, the different one, become from time to time victims, embodying the perverse mechanisms of social operation perfectly uncovered by Girard. In this desolating panorama, the French author finds in the Christian proposal a beacon of light that breaks the infernal self-perpetrating mechanism of violence. Jesus Christ is the one who, as innocent victim, with his sacrifice, unmasks the things hidden since the origin of the world, giving rise to a new era. A bold reflection, a polished contribution on the huge matter of violence and the offer of cultural tools for the comprehension of a phenomenon that dismays when, day by day, we see facts of chronicle or sometimes look inside ourselves. Girard's thinking is fertile, and it is above all edifying in the etymological sense of the term, where the stone discarded by the builders becomes key of time. To the reader the invitation to close to these writings for a reflection that becomes discovery and emotion.

Il 22 maggio 2001 presso il Palazzo della Provincia di Treviso abbiamo potuto incontrare l'autore francese René Girard, in Italia per ricevere la laurea *Honoris Causa* presso l'Università di Padova e ospite d'eccezione per la presentazione di un volume dal titolo *Fra Dioniso e Cristo - La sapienza greca e la civiltà occidentale*, pubblicato da Giuseppe Fornari (Pitagora Editrice - Bologna), suo allievo. René Girard, antropologo e critico letterario, ha insegnato in diverse prestigiose università americane e ha suscitato un grande interesse in Italia dove sono state pubblicate presso Adelphi alcune sue opere tra cui ricordiamo: *La violenza del sacro* (1980), *Delle cose nascoste fin dalla fondazione del mondo* (1983), *Il capro espiatorio* (1987). Alcuni suoi saggi per i tipi delle Edizioni Qiquajon sono comparsi nel 2000 col titolo *La pietra scartata* a cura della Comunità di Bose. Il convegno ha permesso di portare l'attenzione sul tema centrale della riflessione di René Girard: quello antico e purtroppo sempre nuovo della violenza. Una violenza che, come risulta nelle opere dell'autore francese è connaturata con l'uomo e in particolare con l'uomo sociale, costretto a trovarvi rimedi che a loro volta possono originare altra violenza o mascherarla. Benché sia presuntuoso riassumere in poche righe l'originale pensiero dello scrittore - e meglio sarebbe rimandare ai suoi scritti - ci pare di poter affermare che la tesi principale da lui affermata sia racchiusa nel concetto del capro espiatorio. L'uomo risponde alle sue angosce e tensioni generate dal vivere sociale con un meccanismo sempre uguale, perverso e tendente alla perpetuazione: identificare il colpevole, la vittima sacrificale su cui polarizzare le ansie della comunità creando unità nel gruppo compattato ora contro un nemico, un colpevole che diviene vittima e allo stesso tempo salvatore della società. Ma se l'uccisione della vittima comporta un temporaneo calo delle tensioni essa fa nascere anche un senso di colpa che crescerà fino alla necessità di trovare un nuovo capro espiatorio per potersi placare. Non mancano riferimenti a situazioni concrete che mostrano come lo straniero, il negro, l'ebreo, l'immigrato, il diverso, divengono di volta in volta vittime incarnando perfettamente i perversi meccanismi di funzionamento sociale scoperti da Girard.

In questo panorama desolante, l'autore francese trova nella proposta cristiana lo squarcio di luce che rompe il meccanismo infernale autoperpetrantesi della violenza.. Gesù Cristo è colui che, vittima innocente, col suo sacrificio, unico e ultimo smaschera definitivamente le cose nascoste fin dall'origine del mondo, dando inizio ad una nuova era.

Una riflessione alta, un lucido contributo sull'immane questione del superamento della violenza e l'offerta di strumenti culturali per la comprensione di un fenomeno che ci avvolge e lascia sgomenti quando di giorno in giorno vediamo i fatti di cronaca o talvolta guardiamo dentro noi stessi. Un pensiero poi, quello girardiano, fertilissimo, ma soprattutto un pensiero "edificante" secondo il senso etimologico del termine, dove "la pietra scartata" dai costruttori diventa chiave di volta.

Al lettore l'invito ad avvicinarsi a questi scritti per una riflessione che diventa scoperta ed emozione.

7.2 EICHMANN IN JERUSALEM: A REPORT ON THE BANALITY OF EVIL BY HANNAH ARENDT

The perpetrators of human rights abuses are often "other-oriented individuals" who need the support and the consensus of others to feel well adjusted with themselves. The personality profile of a perhaps typical perpetrator has been masterfully traced by Hannah Arendt in her book *Eichmann in Jerusalem: An Essay on the Banality of Evil*. Arendt chronicles the trial of Adolf Eichmann, a German SS officer who supervised the deportation of Jews during W. W. II from several countries occupied by the Germans.

Hannah Arendt's analysis is extremely deep and insightful, and helps dispel several common-places on the Holocaust and on the ultimate human rights catastrophes: war and genocide. First, the notion that human rights violations are due to "extraordinarily evil" persons is strongly challenged. The banality

of evil is largely due to the fact that Eichmann was a plain, in many ways mean and mediocre bureaucrat that was never involved personally in brutal actions. He did what he was expected to do by everyone else around him, and may have spent his life unnoticed, had he not been instrumental to the deportation and murder of millions of persons. Second, it appears that reaction against Nazis was never ineffectual: when Nazis were met with a strong opposition against deportation of the Jews, especially by pro-Nazi governments of occupied countries, they renounced the plans of deportation. Both points emphasize, in different contexts, the role of social and peer pressure in the worst violations of human rights.

There is the need to have individuals that are culturally prepared to break out from the frame in which they are embedded – whenever their actions retains their banality but become intrinsically evil. And there is no such cultural attitude now. Even highly emotional movies like *Schindler's List* perpetuate the image of the lone monster. Take away the Untensturmführer of *Schindler's List*, and concentration camps will disappear. It is, unfortunately, not so. In the role of Eichmann's there could have been millions of other Germans. Everyone should be prepared to see her- or himself as a potential human rights victim, but also as a potential perpetrator. Someone said, badly misinterpreting Arendt's words, that Arendt herself justified Eichmann. Nothing could be farther from truth. She illustrated how everyone could be, or better could play the role of Eichmann, if framed in the proper social context. Why didn't Eichmann simply say "no"? One may consider that he grew up and was educated in an environment where Jews were a distinct reality, despised, denigrated, pictured as working against the values and even attempting at the survival of Germans. Jews were even considered ridiculous or aesthetically repellent. That the Jews were seen under dis-humanizing stereotypes is very important, but just half of the story. Perhaps more relevant is that this view was socially shared, and helping the Jews was something that would bear only the promises of shameful consequence. It is not too far fetched to say that, for many, it would have been similar

to help a transvestite prostitute today. It is symptomatic that it was a person like Schindler who helped the Jews. He was somehow outside the border of commonplace morality since he was a profiteer whose activities were barely legal. Had Eichmann refused to obey orders, he probably would not been accused or incarcerated or formally punished, as Arendt suggests, but he would have damaged his career, been held as a vile persons, discredited by his own peers. Social disapprobation and ostracism are among the most difficult thing a lone man or woman could face without an adequate source of inner strength. Eichmann apparently lacked such strength. Most people would never face the risk of becoming social out-casts. We should consider that, in most issues, and for almost everyone of us, true and good is what is socially accepted. To break out of this pattern a widespread, socially shared awareness of the universality of basic human rights is needed. Such awareness did obviously not exist then and does not exist today.

Today? Tv, video cameras, and other technological advances have somehow removed our physical being from many places. Police monitoring and surveillance are similarly remotely controlled. Even torturing devices, or other illegal practices, like sleep deprivation, can be remotely controlled. Thus evil is even more banal today – as banal as switching on a remotely controlled device.

7.3 Hitler's WILLING EXECUTIONERS: ORDINARY GERMANS AND THE HOLOCAUST²

Goldhagen's book supports a fundamental principle for human rights understanding: responsibility in human rights abuses does not reside only in a few individuals.

The Germans' deep anti-Semitism made the Holocaust possible. It was not a lone-man sickening madness; rather, anti-

²Ref. HRA 1998/1

Semitism was widespread and hate blinding. Hitler's *Willing Executioners* by historian Jonathan Goldhagen has stirred a debate which has been both a source of surprise and of hope. It is surprising that a thorough study which says what should have been obvious to most people that lived through the Thirties and W. W. II appears only 50 years after the collapse of Nazi Germany. The source of hope is that, finally, the right perspective is being pursued, even if Goldhagen's ideas are far from consolidated, and recent popularizations turn back to old ideas capitalizing on rather misleading details of Hitler's personal history.

Goldhagen's analysis in the first two parts of the book shows primary evidence on how the most consolidated institutions as well as most people put anti-Semitism first, to the point of overriding even the main principles of their ideology. "The Catholic Church cooperated wholeheartedly in this obvious eliminationist and often lethal measure." "Marxists, ideological opponents of Nazism" – and also a main force for Internationalism – "were, on the issue of the Jews, in general accord with the Nazis."

Hitler's *Willing Executioners* is for anyone wishing to ponder how, at any time, destructive feelings and ideas may resurface in disguise, and be aware that it may be much more easy to fall prey to them as they become socially accepted, than to oppose them. In this perspective Goldhagen's book will help to build our ability to recognize, and to oppose such forces in our own social environment.

Parte V
The Statute

... man, the more he gains freedom in the sense of emerging from the original oneness with man and nature and the more he becomes an "individual" has no choice but to unite himself with the world in the spontaneity of love and productive work or else to seek a kind of security by such ties with the world as destroy his freedom and the integrity of his individual self.

Erich H. Fromm, Escape from Freedom

Capitolo 8

STATUTO dell' ASSOCIAZIONE “HUMAN RIGHTS AWARENESS”

CAPITOLO I. DISPOSIZIONI GENERALI

Articolo 1. Denominazione e sede

Si costituisce un'organizzazione culturale denominata “HUMAN RIGHTS AWARENESS” (“Consapevolezza dei diritti umani”) che assume la forma giuridica di associazione.

L'associazione non persegue finalità di lucro, ed è aconfessionale ed indipendente da ogni partito politico.

[OMISSIS]

Articolo 2. Lingua e simbolo ufficiali

Lingue ufficiali dell'associazione sono l'inglese e l'italiano.

Il simbolo dell'associazione, in forma estesa ed abbreviata, è costituito dalla dicitura Human Rights Awareness o dall'acronimo HRA in verde sfumato parzialmente sovrimposto ad un ciuffo di foglioline verdi, ed è raffigurato nell'Allegato 1.

[OMISSIS]

CAPITOLO II.

FINALITÀ DELL' ORGANIZZAZIONE

Articolo 3. Obiettivi

Le finalità primarie dell' associazione sono la formazione e la diffusione di una "cultura dei diritti umani," basata sulla Dichiarazione Universale dei Diritti dell' Uomo.

Vengono considerati come articoli di riferimento gli articoli 5, 6, 7, 8, 9, 10, 11, 12 della Dichiarazione Universale dei Diritti dell'Uomo, riportati in Allegato 2.

Il fine ultimo dell'associazione è la prevenzione della ricorrenza di violazioni dei diritti fondamentali sanciti negli articoli succitati.

Si ribadisce esplicitamente che la locuzione "ogni individuo" utilizzata nella Dichiarazione Universale dei Diritti dell'Uomo si ritiene valida indipendentemente da razza, sesso ed altre caratteristiche geneticamente ereditarie od acquisite (inclusi handicap fisici), età, origine nazionale, etnia di appartenenza, luogo geografico di residenza, orientamento sessuale, identità di genere, censo, credo religioso, ideologia ed opinioni politiche, o da criteri di esclusione similari.

Si ribadisce inoltre che la pena capitale è considerata come un trattamento degradante e lesivo della dignità umana ed è scopo non secondario dell' associazione la totale abolizione della pena capitale in ogni paese del mondo ed in ogni sua forma.

Articolo 4. Obiettivi operativi

Visto il carattere di ripetibilità dei peggiori e più diffusi abusi dei diritti umani (tra i quali il genocidio e la guerra), e considerata la responsabilità collettiva che li rende possibili, l' associazione si propone di:

1. studiare i principali fattori antropologici, sociali, storici ed economici che rendono possibili le violazioni dei diritti umani, con particolare riferimento alle società occidentali (paesi dell' Unione Europea e del Nord America);

2. divulgare i risultati di tali studi o di studi rilevanti da altri effettuati, rendendo palesi le analogie tra situazioni di discriminazione ed odio note e situazioni presenti o che potrebbero presentarsi in un futuro prevedibile, affinché azioni preventive efficaci possano essere prese;
3. incoraggiare l'educazione e la sensibilizzazione sui diritti umani, anche attraverso la stesura di saggi e di testi a valenza educativa, e la promozione di campagne di sensibilizzazione.

Articolo 5. Attuazione delle finalità

Le azioni che l'associazione si propone di compiere sono:

- il mantenimento di una pagina sulla World Wide Web (WWW) per la diffusione del materiale prodotto dall'associazione;
- la pubblicazione di saggi e rapporti, per fini educativi, divulgativi, di sensibilizzazione e di ricerca;
- la pubblicazione di un bollettino periodico, con sommarî di saggi e rapporti, ed altre informazioni o commenti rilevanti;
- la diffusione di azioni urgenti su situazioni che richiedono il supporto di un pubblico ampio, e l'invio di lettere ad autorità competenti, in collaborazione anche con, o su sollecitazione di altre organizzazioni;
- la creazione ed il mantenimento di esibizioni virtuali su questioni attinenti ai diritti umani;
- il mantenimento di un archivio di documenti fondamentali sui diritti umani, reso accessibile attraverso la pagina WWW dell' associazione;
- il mantenimento di un archivio (non pubblico) su questioni riguardanti i diritti umani. Parti di tale archivio potrebbero essere rese pubbliche qualora possibile con le risorse accessibili all' associazione.

Articolo 6. Ambito di attuazione delle finalità

Riconosciuta la potenzialità delle reti di calcolatori elettronici nella comunicazione dell'informazione, e la loro particolare convenienza economica, l'associazione si propone di usare come principale strumento di comunicazione la rete presentemente denominata Internet e la World Wide Web (WWW), ed i loro eventuali sviluppi futuri.

La forma primaria di pubblicazione di rapporti e di comunicazioni periodiche prodotte dall'associazione è elettronica.

CAPITOLO III. GLI ADERENTI

Articolo 8. Disposizioni generali

L'associazione è aperta a tutti coloro che riconoscono la Dichiarazione Universale dei Diritti dell'Uomo come documento fondamentale di validità politica e morale, e che desiderino contribuire in modo significativo alle finalità dell'associazione coi mezzi enunciati nel presente statuto.

L'associazione è aperta senza distinzione di ubicazione geografica, razza, sesso, credo religioso, orientamento sessuale, identità di genere, o gruppo etnico.

Articolo 9. Ammissione, diritti & doveri degli associati

L'ammissione all'Associazione è deliberata dal Comitato Esecutivo, su domanda del richiedente.

Gli aderenti dell'associazione hanno il diritto di eleggere gli organi dell'associazione stessa.

Essi hanno il diritto di essere informati sulle attività della associazione e di controllare l'andamento della medesima come stabilito dalle leggi e dallo statuto.

Gli aderenti all'organizzazione hanno il diritto di essere rimborsati dalle spese effettivamente sostenute per l'attività prestata nell'ambito dell'associazione, ai sensi di legge.

Gli aderenti all'organizzazione devono svolgere la propria attività senza fini di lucro.

Il comportamento verso gli altri aderenti ed all'esterno dell'organizzazione è animato a spirito di solidarietà ed attuato con correttezza.

L'aderente all'organizzazione che contravviene ai doveri stabiliti dallo Statuto può essere escluso dall'organizzazione.

L'esclusione è deliberata dall'assemblea con voto segreto e dopo aver ascoltato le giustificazioni delle parti interessate.

CAPITOLO IV. GLI ORGANI

Articolo 10. Denominazione degli organi

Sono organi dell'organizzazione: l'assemblea, il comitato esecutivo ed il presidente.

Articolo 11. L'assemblea

L'assemblea è composta da tutti gli aderenti all'organizzazione.

L'assemblea è presieduta da un presidente nominato dagli aderenti.

L'assemblea si riunisce ogni due anni.

Il presidente convoca l'assemblea con avviso inviato per posta elettronica o con altro mezzo idoneo contenente l'ordine del giorno con almeno 30 giorni di anticipo.

In prima convocazione l'assemblea è regolarmente costituita con la presenza della metà più uno degli aderenti, presenti in proprio o per delega da conferirsi ad altro aderente.

In seconda convocazione l'assemblea è regolarmente costituita qualunque sia il numero degli aderenti presenti, in proprio o in delega.

Non è ammessa più di una delega per ciascun aderente.

Nelle deliberazioni di approvazione del bilancio ed in quelle che riguardano la loro responsabilità, gli amministratori, ovvero il segretario-tesoriere, non hanno diritto di voto, secondo l'articolo 21 del codice civile.

La riunione può avvenire attraverso un' area di discussione elettronica riservata ("chatroom") o in video-conferenza, a seconda delle risorse disponibili. Gli aderenti che fruiranno di questi mezzi elettronici saranno considerati presenti a tutti gli effetti.

L'assemblea delibera a maggioranza dei voti dei presenti ferme le limitazioni previste per l'approvazione e modificazione dello statuto e per lo scioglimento dell' associazione. La deliberazione è obbligatoria su iniziative o su emendamenti al presente statuto proposti (1) dal presidente; (2) dal comitato esecutivo; (3) da almeno il 10% dei componenti dell' assemblea .

I voti sono palesi tranne quelli riguardanti persone.

All' apertura dell' assemblea generale il Presidente effettua una breve relazione sull' attività svolta nell' anno precedente, ed espone le sue proposte e quelle del comitato esecutivo di attività per il termine.

Le discussioni e le deliberazioni dell' assemblea sono riasunte in verbale, redatte dal segretario, e sottoscritte dal presidente.

Il verbale è tenuto, a cura del presidente, nella sede dell'organizzazione.

Ogni aderente dell'organizzazione ha diritto di consultare il verbale e di trarne copia.

Articolo 12. Il comitato esecutivo

Il comitato esecutivo è composto da tre membri, eletti dall'assemblea tra gli aderenti.

Il comitato esecutivo è validamente costituito quando è presente la maggioranza dei componenti.

Il presidente dell'organizzazione è il presidente del comitato esecutivo ed è nominato dall' assemblea assieme agli altri componenti il comitato: il vice-presidente ed il segretario-tesoriere.

Il comitato esecutivo dura in carica per un periodo di due anni, e può essere revocato dall' assemblea, con la maggioranza di due terzi degli aderenti.

Il comitato esecutivo è l'organo di governo e di amministrazione dell'associazione ed opera in attuazione delle volontà e degli indirizzi generali dell'assemblea alla quale risponde direttamente.

Le deliberazioni del comitato esecutivo sono assunte a maggioranza dei presenti.

Articolo 13. Il presidente

Il presidente è eletto dall'assemblea tra i suoi componenti a maggioranza dei presenti.

Il presidente dura in carica quanto il comitato esecutivo.

L'assemblea, con la maggioranza dei presenti, può revocare il presidente.

Almeno un mese prima della scadenza del proprio mandato, il presidente convoca l'assemblea per l'elezione del nuovo presidente.

Il presidente rappresenta l'organizzazione di volontariato e compie tutti gli atti che impegnano l'organizzazione.

Il presidente presiede il comitato esecutivo e cura l'ordinato svolgimento dei lavori.

Il presidente sottoscrive il verbale dell'assemblea e cura che sia custodito presso la sede dell'organizzazione, dove può essere consultato dagli aderenti.

CAPITOLO V. LE RISORSE ECONOMICHE

Articolo 14. Indicazione delle Risorse

Le risorse economiche dell'organizzazione sono costituite da:

1. beni immobili e beni mobili;
2. contributi e quote associative;
3. donazioni e lasciti;

4. proventi da attività marginali di carattere commerciale e produttivo;
5. ogni altro tipo di entrate ammesse ai sensi della Legge 266/1991.

Articolo 15. I beni

I beni dell'organizzazione sono beni immobili, beni registrati mobili e beni mobili.

I beni immobili ed i beni registrati mobili possono essere acquistati dall'organizzazione, e sono ad essa intestati.

I beni immobili, i beni registrati mobili, nonché i beni mobili che sono collocati nella sede dell'organizzazione sono elencati nell'inventario, che è depositato presso la sede dell'organizzazione e che può essere consultato dagli aderenti.

L'associazione ha il divieto di distribuire, anche in modo indiretto, utili ed avanzi gestione nonché fondi, riserve o capitale durante la propria vita, a meno che la destinazione o la distribuzione non siano imposte per legge o siano effettuate a favore di altre associazioni che per legge, statuto o regolamento, perseguono scopi analoghi.

L'associazione ha l'obbligo d'impiegare gli eventuali utili o avanzi di gestione per la realizzazione delle attività istituzionali ad esse direttamente connesse.

In caso di scioglimento o cessazione dell'organizzazione, i beni, dopo la liquidazione, saranno devoluti ad altre organizzazioni di volontariato o enti non lucrativi socialmente utili aventi scopi analoghi a quelli indicati nel presente statuto e comunque al perseguimento di finalità di pubblica utilità sociale.

Articolo 16. Contributi

I contributi ordinari sono costituiti dalla eventuale quota associativa degli aderenti, stabilita dall'assemblea.

I contributi straordinari sono elargiti dagli aderenti, o dalla persone fisiche o giuridiche estranee all'associazione.

Le erogazioni liberali in denaro, e le donazione sono accettate dal comitato esecutivo, che delibera sulla utilizzazione di esse, in armonia con le finalità statutarie dell' organizzazione.

I proventi derivanti da attività commerciali o produttive marginali sono inseriti in apposita voce del bilancio dell' organizzazione.

L' assemblea delibera sulla utilizzazione dei proventi, che deve essere comunque in armonia con le finalità statutarie e con i principi della Legge 266 del 1991.

ALLEGATO 1

Si veda l' Appendix 1 a p. 150.

ALLEGATO 2: ARTICOLI DELLA DICHIARAZIONE UNIVERSALE DEI DIRITTI DELL' UOMO CITATI NELLO STATUTO DELL' ASSOCIAZIONE "HUMAN RIGHTS AWARENESS"

Articolo 5

Nessun individuo potrà essere sottoposto a tortura o a trattamento o a punizione crudeli, inumani o degradanti.

Articolo 6

Ogni individuo ha diritto, in ogni luogo, al riconoscimento della sua personalità giuridica.

Articolo 7

Tutti sono eguali dinanzi alla legge e hanno diritto, senza alcuna discriminazione, ad una eguale tutela da parte della legge. Tutti hanno diritto ad una eguale tutela contro ogni discriminazione che violi la presente Dichiarazione come contro qualsiasi incitamento a tale discriminazione.

Articolo 8

Ogni individuo ha diritto ad un'effettiva possibilità di ricorso a competenti tribunali contro atti che violino i diritti fondamentali a lui riconosciuti dalla costituzione o dalla legge.

Articolo 9

Nessun individuo potrà essere arbitrariamente arrestato, detenuto o esiliato.

Articolo 10

Ogni individuo ha diritto, in posizione di piena uguaglianza, ad una equa e pubblica udienza davanti ad un tribunale indipendente e imparziale, al fine della determinazione dei suoi diritti e dei suoi doveri, nonché della fondatezza di ogni accusa penale che gli venga rivolta.

Articolo 11

Ogni individuo accusato di un reato è presunto innocente sino a che la sua colpevolezza non sia stata provata legalmente in un pubblico processo nel quale egli abbia avuto tutte le garanzie necessarie per la sua difesa.

Nessun individuo sarà condannato per un comportamento commissivo od omissivo che, al momento in cui sia stato perpetrato, non costituisca reato secondo il diritto interno o secondo il diritto internazionale. Non potrà del pari essere inflitta alcuna pena superiore a quella applicabile al momento in cui il reato sia stato commesso.

Articolo 12

Nessun individuo potrà essere sottoposto ad interferenze arbitrarie nella sua vita privata, nella sua famiglia, nella sua casa, nella sua corrispondenza, né a lesione del suo onore e della sua reputazione. Ogni individuo ha diritto ad essere tutelato dalla legge contro tali interferenze o lesioni.

Capitolo 9

STATUTE of the NON-PROFIT ORGANIZATION “HUMAN RIGHTS AWARENESS”

CHAPTER I. General Dispositions

Article 1. Denomination and Seat

A cultural Organization denominated “HUMAN RIGHTS AWARENESS,” which assumes the juridical form of Association, is established.

The Association doesn't pursue finality of profit, it is non-denominational and independent from every political party.

[...] The Association is constituted with the perspective of unlimited duration.

Article 2. Official Language and Official Logo

Official languages of the Association are English and Italian.

The logo of the Association, in extended and shortened form, is formed by the wording Human Rights Awareness or by the acronym HRA in pale green partially superimposed to a lock of green leaflets, as represented in Appendix 1.

Article 3. Statute

The statute binds to its observance all members of the Organization; it constitutes the fundamental rule of behavior of the activity of the Organization itself.

The present statute is modified with deliberation of the Assembly adopted with the favorable vote of two third of the presents at the Assembly meeting.

As far as anything not set forth explicitly in the present statute, the norms are the ones set by the Civil Law Code of the Italian State.

CHAPTER II. Aims of the Organization

Article 4. Objectives

Primary Aims of the of the Association are the formation and the diffusion of a “culture of the human rights,” based on the Universal Declaration of Human Rights.

Articles 5, 6, 7, 8, 9, 10, 11, 12 of the Universal Declaration of Human Rights, reported in Appendix 2, are considered as reference articles.

The final goal of the Association is the prevention of the recurrence of violations of the fundamental rights stated in the articles listed above.

It is reaffirmed explicitly that the wording “every individual” used in the Universal Declaration of Human Rights is considered valid independently from race, sex and other hereditary characteristics – genetically or acquired (including physical handicap), – age, national origin, ethnic group, geographical place of residence, sexual orientation, gender identity, census, religious beliefs, ideology and political opinions, and from any similar criterion of exclusion.

It is in addition reaffirmed that the capital punishment is considered a degrading and a treatment injurious of human dignity and it is a non-secondary purpose of the Association the

total abolition of the capital punishment in every country of the world and in any of its forms.

Article 5. Working Objectives

Considered the character of repetition of the worst and more diffused abuses of human rights (among them genocide and war), and considered collective responsibility that makes them possible, the Association's aim is set as:

1. to study the principal anthropological, social, historical and economic factors that make possible the violations of the human rights, with particular reference to the western societies (countries of the European Union and of North America);
2. to divulge the results of such studies or remarkable studies by other individuals or Organizations, revealing analogies between situations of discrimination and hate of the past and situations of the present or of a predictable future, so that effective preventive actions can be taken;
3. to encourage the education and the awareness on the human rights, also through the layout of essays and texts of educational value and the promotion of awareness campaigns.

Article 6. Realization of Finalities

Actions that the Association may take include:

- the maintenance of a page on the World Wide Web (WWW) for the diffusion of the material produced by the Association;
- the publication of essays and reports, for educational, popularization, research purposes, as well as to raise awareness on a topic;

-
- the publication of a periodic bulletin, with abstracts of essays and reports and other remarkable information or comments;
 - the diffusion of “urgent action” notes on situations that require the support of an ample public and the dispatch of letters to competent authority, also in collaboration with, or on solicitation of other Organizations;
 - the creation and the maintenance of virtual exhibitions on subjects related to human rights;
 - the maintenance of an archive of fundamental documents on the human rights, made accessible through the WWW page of the Association;
 - the maintenance of an archive (not public) on matters regarding human rights. Parts of such archive could be made public if possible with the resources of the Association.

Article 7. Domain of Realization of Finalities

On recognizing the potentiality of the networks of electronic computers in the information exchange and their particular economic convenience, the Association is set to use as principal tool of communication the network presently denominated Internet and the World Wide Web (WWW), and their possible future developments.

The primary form of publication of reports and periodic communications produced by the Association is electronic.

CHAPTER III. The members

Article 8. General Dispositions

The Association is open to all those people that recognize the Universal Declaration of the Human Rights as a document of

fundamental political and moral validity, and that wish to contribute in a meaningful way to the finalities of the Association with the means enunciated in the present statute.

The Association is open without distinction of geographical location, race, sex, religious beliefs, sexual orientation, gender identity or ethnic group.

Article 9. Admission, Laws & Duties of the Members

Admission to the Association is decided by the Executive Committee on request by the applicant.

The members of the Association have the right to elect the organs of the Association itself.

They have the right to be informed on the activities of the Association and to check the course of the Association as set forth in the Law and in the statute.

The Organization members have the rights to be refunded by the expenses sustained for activity for the Association, to the limits set forth by Law.

The Organization members must develop their own activity without aiming at profit.

The behavior toward other members and to people external to the Organization should be animated by spirit of solidarity and carried out with correctness and politeness.

The Organization members that contravenes to duties established by the Statute can be excluded from the Organization.

The exclusion is deliberated by the Assembly with secret vote and after having listened to the justification of the interested parties.

CHAPTER IV. I The Organization Governing Bodies

Article 10. Denomination of the Governing Bodies

The Bodies of the Organization are: the Assembly, the Executive Committee and the President.

Article 11. The Assembly

The Assembly is composed from all members of the Organization.

The Assembly is presided by a President named among the Assembly members.

The Assembly gathers every two years.

The President summons the meeting with a notice containing the agenda sent by electronic mail or with other appropriate mean with at least 30 days of advance.

In first call, the Assembly is constituted regularly with the presence of half more one of the Association members, present in person or by delegation conferred to other members.

In second call, the Assembly is constituted regularly by any number of members, may they be present in person or through delegation.

It is not admitted more than one delegation for each member attending the Assembly.

In the deliberations of approval of the budget and in those that concern their responsibility, the administrators and the secretary-treasurer don't have the right to vote, according to the article 21 of the Civil Code.

The Assembly can occur through a reserved area of electronic discussion ("chatroom") or in video-conference, according to the available resources. The members that will use these electronic means they will be considered present at all effects.

The Assembly deliberates at majority of the votes of the presents (save the limitations on the approval and modification of the statute and on the termination of the Association). The deliberation is obligatory on initiatives or on amendments to the present statute proposed (1) by the president; (2) by the executive committee; (3) by at least 10% of the Assembly components.

The votes are open except those regarding persons.

At the opening of the general assembly , the President reads a brief report on the activity of the preceding year, and she or he explains her or his proposals and those of the executive committee of activity for the next term.

The discussions and the deliberations are summarized in the minutes, compiled by the secretary, and undersigned by the president.

The minutes are kept, by the president, at the seat of the Organization.

Every member of the Organization has the right to consult the minutes and to make copies of it.

Article 12. The Executive Committee

The Executive Committee is composed by three members, elected from the Assembly among the Organization members.

The Executive Committee is constituted validly when it is attended by the majority of the components.

The President of the Organization is the President of the Executive Committee and she or he is elected by the Assembly together with the other components the committee: the deputy-president and the secretary-treasurer.

The Executive Committee lasts for a two year term, and can be revoked by the Assembly, with the majority of two third of the members.

The Executive Committee is the body of government and administration of the Association and works to concretize the directions and the objectives set forth by the Assembly, to which it responds directly.

The deliberations of the Executive Committee are approved by the majority of the presents.

Article 13. The President

The President is chosen by the Assembly among his components by the majority of the presents.

The President's term lasts as the one of the executive committee.

The Assembly can revoke the President with the majority of the presents.

At least a month before the expiration of his or her term, the President summons the Assembly for the election of the new President.

The President represents the volunteer Organization and he or she undertakes all the actions in behalf of the Organization.

The president presides the executive committee meetings and he takes care of the orderly carrying out of the meeting.

The President undersigns the minute of the Assembly meeting and take cares that it is preserved at the Organization seat, where it can be consulted by the members.

CHAPTER V. The financial resources

Article 14. Denomination of the Resources

The financial resources of the Organization are constituted by:

1. real estate and cash property;
2. contributions and associative quotas;
3. donations and legacies; 4. earnings of marginal activity of commercial and productive character;
5. every other type of earnings admitted to the senses of the Law 266/1991.

Article 15. Property

The property of the Organization are real estate properties, recorded furniture and movable properties.

Immovable good and recorded furniture can be acquired by the Organization, and they are registered to its denomination.

Immovable good, recorded furniture, as well as movable property that are located in the seat of the Organization are listed in the Inventory. The Inventory is deposited at the seat of the Organization and that can be consulted by the members.

It is made prohibition to the Association to distribute, also in an indirect way, good and management residuals as well as funds, reserves or capital during its own life, unless the destination or the distribution are imposed for law or are effected in favor of other Associations that pursue analogous purposes according to law, their statute or rule.

The Association has the obligation to employ possible profits or management residuals directly for the realization of institutional activities to its connected.

In case of breakup or cessation of the Organization, property, after the liquidation, should be devolved to other volunteer Organizations or to non profit bodies oriented to the general good with finalities similar to those listed in the present statute and at any rate aimed at the pursuit of objectives of social utility.

Article 16. Contributions

The ordinary contributions are constituted by the associative quota, if any, for the members, as established by the Assembly.

The extraordinary contributions are donated by members, or by persons or bodies who are extraneous to the Association.

The liberal disbursements in money and the donations are accepted by the Executive Committee, that deliberates on their use in harmony with the Organization statutory finalities.

The earnings deriving from marginal commercial or productive activity are inserted in a special voice of the Organization budget.

The Assembly deliberates on the use of the earnings, in a way that must be however in harmony with statutory finalities and with the principles of the Law 266 of 1991.

APPENDIX 1

 **Human Rights Awareness**
 **HRA**

APPENDIX 2 – ARTICLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS CITED IN THE STATUTE OF THE ASSOCIATION “HUMAN RIGHTS AWARENESS”

ARTICLE 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6. Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9. No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11. (1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal

offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

ARTICLE 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

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PRODUZIONE ELETTRONICA TERMINATA IL GIORNO
12 settembre 2008 PRESSO LA SEDE DELLA ASSOCIAZIONE
HUMAN RIGHTS AWARENESS, IN PADOVA (ITALIA)

Questo volume raccoglie la maggior parte degli articoli, dei saggi e delle recensioni pubblicati sul sito dell' associazione Human Rights Awareness a partire dal 1997 sino al 2007. Non si può ignorare che, a tutt'oggi, sia in atto un vero e proprio “ridimensionamento” delle libertà civili e dei diritti fondamentali. Diverse minoranze sono oggetto di razzismo e di atteggiamenti fobici che non di rado sono sfociati nella violenza. Forme di tortura psicologica e fisica – denunciate da HRA già nel 1998 – utilizzano procedure e tecnologie sempre più avanzate. La testimonianza dell' associazione è stata, in diversi casi, premonitrice e gli articoli di denuncia e di analisi, anche i meno recenti, rimangono tuttora di grande interesse per la loro incisività ed attualità.

This volume collects the majority of articles, essays and book reviews published on the web site of the association Human Rights Awareness since 1997 until 2007. It cannot be ignored that nowadays there is a real “resizing” of civil freedoms and fundamental rights going on. Several minorities have been and are presently targets of racism and of phobic attitudes that not rarely led to violence. Forms of psychological and physical torture use more and more advanced procedures and technologies, as denounced by HRA already in 1998. The association has been, in various cases, witness and forerunner, and the articles of denunciation and analysis, even the less recent ones, retain a great interest for their keenness and timeliness.

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