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**CONSIDERATIONS OF DOMESTIC OR FAMILY VIOLENCE
IN SELECTED ARAB NATIONS**

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* *The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.*

Domestic abuse and violence against women and girls is widespread in Egypt, in the West Bank, Gaza, and Palestinian refugee camps, in Lebanon and Iraq. While CEDAW framework has created a reference and accountability to universal standards of human rights, many Muslim-majority countries whose laws uphold male control over women and contain elements of statutory discrimination, entered reservations to the convention. Egypt noted a general reservation to article 2 saying it must comply to Islamic law and to articles 9, 16, and 29 and has not ratified the Optional Protocol. Jordan retains reservations to articles 9.2, 16(1-c-d-g), and 15.4;¹ Iraq entered reservations to 2, paragraphs (f) and (g), of article 9, paragraphs 1 and 2, article 16, and article 29, paragraph 1; Lebanon does not consider itself “bound” by article 2, paragraph 1 and entered reservations to article 9 (2), and article 16 (1) (c) (d) (f) and (g) (regarding the right to choose a family name) and article 29, paragraph 1. The CEDAW process has shown that states initially argued that their legal systems were fair and non-discriminatory, and that they have tended to respond in an ad hoc fashion, with no particular urgency. In addition, the combination of civil and religious laws creates certain obstacles to reform. For instance, the CEDAW had strongly countered Lebanon’s rejection/resistance to a unified law of personal status, (efforts of former Lebanese president Hrawi and the Lebanese women’s movement notwithstanding, Zuhur, 2002). The same problem is currently reflected in Iraq (and to some degree elsewhere) where pre-2003 civil law is now overshadowed with resort to religious courts.

The unfortunate commonality of these cases is that despite histories of legal reform either recently, or in Iraq in the ‘50s and ‘60s,(al-Hayani , 2003); and despite the creation of departments or ministries of women’s affairs (in the Palestinian Authority and in Iraq) and various awareness programs, a hotline in Lebanon and limited shelters, these national entities have failed to provide a legal or political environment that prevents violence against women, deters their attackers, enables victims to report violations of

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- 1) the absence of a specific law against domestic or family violence;
- 2) elements in family law and criminal law that represent statutory discrimination, promote or excuse violence against wives and girls, or were only recently, or partially modified; these include disadvantages in divorce law for women and the understood economics of gender relations which make divorce difficult for women, yet allow men to divorce and even marry an additional wife with ease
- 3) failures on the part of police, health authorities, the judiciary, and the government to protect or pursue justice
- 4) beliefs that either much or some violence against women and girls is tolerable; or considered “normal” by both police and especially, lower-class, or less educated women, or that the women deserve this treatment
- 5) resistance by religious elements (clerics, Islamist MPs) to reform, particularly where it relates to equalization of status between the genders and wife beating, which is unfortunately misinterpreted to mean or imply disciplinary correction.
- 6) common to the Palestinian Authority and Iraq -- that the problems of women, even when murdered by husbands or fathers, or raped, pale in comparison to the national struggle or the general insecurity in the face of violence, i.e. officials are not convinced that these are important issues, although they may cause considerable personal problems for the official if incorrectly “handled”, and matters are actually even worse in areas under Israeli, or Coalition control, in part due to the predilection of these authorities for dealing with traditional or political authorities in an informal manner.

Origins and Focus

My intent was to focus on domestic violence, but when interpreted as family violence which is the focus that activist NGOs are using, this problem overlaps with a variety of crimes against women all of which stem from a multilocational devaluation of women -- a socially understood and interpreted lower status for women; one in which she lacks rights to control her destiny, family, body, education, movements, right to choose her marriage partner and to remain of any more value to that partner than any other women in society.

Since 2005, certain NGOs in Egypt, Lebanon, the West Bank, Gaza and Jordan have been advocating the adoption of a specific domestic or family violence acts or law. In some cases, the

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proposal is for a cluster of measures that combine a new law with the provision of protective orders, and training for police and other authorities. Also, since 2008 at least three NGOs, two in Lebanon and one in Egypt have been promoting a public awareness campaign to advocate for a domestic violence act. There is some evidence that the climate has changed since the discussion of this issue began to be more public in the 1990s, in that more women report awareness of the problem.

Women's organizations and legal scholars have, for years, drawn attention to the role of law in honor crimes. The role of culture is frequently invoked, but as if men cannot be expected to overcome their orientation. Honor crimes involve the social belief that male family members should control the sexuality of or protect the reputation of women in the family, and that they may punish, and even kill them for blemishing family honor or for causing public gossip about themselves. (Zuhur, 2005, 22-33; Abu Ode, 1996) Naturally, there is a relationship between the perceived need to socially control women and abuse of women in the home. In families where daughters do not raise any suspicions, or are not threatened and punished, they perceive a double standard for males and females and their mothers may be subject to years of abuse which is not necessarily illegal, or is only illegal if they file a formal complaint, or which they may only escape through divorce.

What Constitutes Violence/Abuse? Not all studies specify what spousal or wife-beating is, others provide more details; to include slapping, kicking, beating, dragging by the hair, choking. Clearly the violence goes beyond battery, however. A recent broader definition (El Nadir, 2000) measures actual physical beating or forms of humiliation, preventing women from going to work, school or college, from leaving the house, ignoring them, men refusing to provide financially for them, not allowing them to see their relatives, throwing them out of the house, forced sex or marital rape, expressions of extreme jealousy, making threats against them or their children, betraying them with another woman (which they use as emotional abuse) taking another wife, divorcing them without their knowledge, or in Egypt, resort to "obedience" complaints. All of these are sanctioned legally, culturally, and socially to some extent and abuse of these types is normalized to women, their communities and law enforcement. Yet, all of these

behaviors have serious negative health and psychological impact on a woman and usually, her children.

FGM is also a physical violation of women's bodies, which could be approached either through CEDAW or as torture, yet, in Egypt, the challenge is to fully criminalize the practice, following on years of merely medicalizing it (Zuhur, 2005, 120-121) enforce the criminalization and change popular attitudes which regard it as a "good tradition," that inhibits girls/women's sex-drive, or purifies them.

How Much Violence? Increasing data shows us that there is widespread violence against women in these countries and the PA. States underreported and underestimated the violence. Men admit to violence, but there has been a stigma for women to pursue official complaints, bringing "private" grievances into public. This is especially true of anything involving sexual violence, so as more women report it; it may speak to their desire for relief.

In Egypt, the 1995 Egyptian Demographic and Health Survey showed that 34% of the 6,566 women in the sample had been beaten in their lifetime (and 16% in the last year). This was the same study which showed that a far higher percentage of women are subjected to FGM than was previously admitted by the government, or many experts at more than 97% of ever-married women. This survey also examined attitudes towards wife-beating and found that nearly 86 % of the women in the survey thought that husbands were justified in beating their wives if, for instance they refused them sex, or were disobedient. (Zanaty, et al., 1996)

In 2008, a study by CAPMAS showed that 47% of Egyptian women between 15 and 49 had been victims of domestic violence and 7% reported rape by their husbands. (SAPA-AFP). In the El Nadim Centre's most recent (2009) study, 79% (991 of 1262) of those surveyed reported domestic violence. 55% of women reported experiencing some form of domestic abuse or violence from their husbands, 20% from their fathers and 12% from their brothers. The study also revealed that a large majority, 84% would support legislation to criminalize domestic violence.

This is significant because of the gap between the active stance of those trying to impact domestic violence and the high frequency that is reported. This group and others believe that

legislation specific to the issues of domestic violence is a key towards changing the social attitudes that underlie this and other practices harmful to women

It is difficult to provide definitive statistics on violence against women in all of these countries, but various studies show incidences as high or nearly as high when measured similarly. The Palestinian Central Bureau of Statistics surveyed 4,212 households (Dec. 2005/Jan. 2006) and found that 23% of the women surveyed reported physical violence, 61.7% spoke of psychological violence and 10.5% reported sexual violence. (HRW, 2006, p. 33) That figure may be higher as reported in a 2001 survey by the Women's Affairs Center looked at 670 Gaza women and found that 46.7% reported their husbands used "force and brutality" during sex; 17.4% reported their husbands beat them to have sex, and 35.9% said their husbands use threats and intimidation to make them have sex (HRW, 2006). None of these countries mentioned have laws against marital rape.

Yet only 1.2 percent of the women in the household survey had filed a formal complaint against their husband with the police. The reasons for this low figure have much to do with the police, women's inability to report with confidentiality, the stigma on reporting, and the lack of services that would address women's inability to support themselves, or live elsewhere. The shelter situation at the time of the survey was dismal, and it is not much improved. Also some 70% of women in a different study (Palestinian Working Women's Society for Development and the Palestinian Center for Public Opinion in Beit Sahour, 2002) said that in reporting violence, they feared losing custody of their children, and 50% felt divorce was too stigmatizing. (HRW, 33)

Jordan's National Council for Family Affairs' Study on Domestic Violence showed that 50.5% of women interviewed said they did not report incidents of violence because of unfair procedures in the courts and by the police; 42% said measures taken in court were insufficient and did not inhibit abusers from repeating violence even more cruelly. This speaks to the lack of restraining orders, and the need for women to bring two eyewitnesses to the abuse to *shari'ah* courts. (Naffa et al., 2007:8).

Data also show us that men do not deny their violence towards women. In Palestinian refugee camps in Jordan, researchers estimated that of their sample, 262 women and 133 men studied in 1998, 44.7% of women had been beaten in their lifetime, although the men in the sample reported a rate of 48.9%. (Khawaja and Barzai, 2005). The researchers compared with

have to provide eyewitnesses to the physical abuse to pursue the case, or obtain a divorce on the basis of physical abuse.

Overall, when the various studies of violence against women are reviewed, it seems that the figures or reporting of abuse has increased. Or, that earlier, a base line for measuring the prevalence of violence was missing.

Another problem has been the lack of counselors, hotlines, shelters and social workers or health professionals specifically trained to deal with domestic violence. Notably there has been an absence of shelters or misuse of them so as to exclude rather than serve women. In Jordan and in the PA, some women have been kept in jail to protect them from their families. The inappropriate practices of shelters both in the PA and in Egypt were detailed by HRW and Nawwal Ammar (2006). At war, were social attitudes by authorities that promoted

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initiate the appointment of more women family law judges, and had banked on more of a change in the legal climate in other courts a

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The laws proposed to address domestic violence in some ways resemble the best practices outlined by the U.N. Rapporteur on Violence. They are therefore close to Western laws on domestic violence, but have not addressed or worked out the attending prerequisites of easier divorce, and shelter or living arrangements for women who currently cannot leave their homes, children, or neighborhoods. Still the Salma Campaign of 2005, and today's campaigns by Kafa and the Institute for the Study of Women in the Arab World in Lebanon and el-Nadim in Egypt advocate new legislation

Kafa advocates a family (not domestic) violence bill. It applies to married women, but also to unmarried women, or women "related by blood," pertains even when violence is not habitual; calls for family courts and a family unit in the Lebanese Internal Security Forces; obliges witnesses or those who know about domestic violence to report it; includes a restraining order on the abuser; requires the abuser to provide accommodation for a women and her children or leave the family accommodation for them and also to pay for medical expenses and an allowance. The bill also recognizes marital rape. It includes violence against domestic workers in the bill (Kafa, 2009). All of this could dilute the effect of the bill. Kafa has sponsored events that commemorate women murdered in domestic violence and television ads. The first of these was

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or children or other family members; leave the family abode; not to approach it or the spouse/family's places of employment; and orders safeguarding of the property of the complainant, showing forethought on frequent abuser behaviors (WWHR, 2002).

New legislation is also needed to allow a woman who is physically assaulted or who claims emotional damage due to other actions that constitute psychological abuse to file for divorce or legal separation. This latter action will require reforms of existing family law. By law, or other actions, more shelters should be constructed with less restrictions and financial requirements than now exist whose purpose is to give women a safe and completely confidential place where they may engage in the above legal actions. Legislation should also address the need to heal and possibly compensate women for actions of violence, which over a lengthy period greatly impair their ability to function in society, and can make them suicidal. The stigma against mental health intervention also needs to be addressed in whatever this legislative solution is.

Some recommend counseling and reeducation for men, but it is my understanding that best practices in domestic violence protocols view counseling as non-enforceable and it does not substitute for provision of means for women to build new lives, and protect themselves. One feature of the countries studied is the enormous cost of marriage, mostly for men, but also for families, men often require ten years of saving in Egypt (Singer man and Ibrahim, 2002) and the cost is comparable elsewhere. Yet that cost, and the process of "investment" does not cause them to value women more highly, rather, the process is having the opposite effect.

For reformers, the bad news is a widespread backlash to their efforts. Were I to include the devastating data from Iraq that shows overt violence to women who have businesses, or drive, as well as "ordinary" violence, or the extraordinary kidnappings and sales of women, (Zuhur, 2007) we could attribute the backlash to political vacuum, but there are many other opponents elsewhere in the public and governments to reform. In Egypt, a man declared that the new Child Law is due to "foreign influence" and vowed to circumcise any of his future daughters despite the law. Even though Gamal al-Banna (the son of Muslim brotherhood leader, Hasan al-Banna), and the Shaykh al-Azhar declared FGM unIslamic, other Muslim clerics and many ordinary Muslims disagree (Media Line, 2009) Likewise, some Egyptian men are furious over women's legal claims against them due to domestic violence; they see new laws as an overturning of the social order, and still normatively regard abuse as "teaching their wives a lesson" (interviews,

2008) Yet, a hopeful sign is that the discussion of the issue is no longer so veiled for women, and that so many have responded positively to the proposals of new legislation.

However, due to the nature of the opposition to improving legislation; changes in women's awareness of violence in their own and other's women's lives will not secure legislation, nor will the work of NGOs. It will be necessary to win more politicians' support for such laws, and if they come to pass, then programs to address police, health workers, and selected religious authorities, and train social workers or counselors will certainly be necessary.

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¹ These reservations chiefly concerning women's nationality, marriage and family relations, and movement of persons. For an early discussion of the reservations to CEDAW and the contrasting Islamic "alternative" see Mayer, 2006.

² "Men are the managers of the affairs of women for that God has preferred in bounty one of them over another, and for that they have expended of their property. Righteous women are therefore obedient, guarding the secret for God's guarding. And those you fear may be rebellious admonish; banish them to their couches, and beat them. If they then obey you, look not for any way against them; God is All high, All great." (Arberry's version of the Qur'an, al-Nisa', 4:34)

³ Article 37, Personal Status Law of Jordan states that a wife "shall, once she receives the immediate dowry, obey and move to live with her legal husband any where he wants, even if this

is outside the Kingdom provided that she is well secured and the marriage contract does not include any conditions other than that. If she refuses, she will lose her right to alimony.” It could be argued that she is “not secured” when abused; however, the other problem with the article is its statement that she must “obey” the husband. See Naffa, et al. 2007 p. 8)