

United Nations  Nations Unies

**GOOD PRACTICES IN LEGISLATION
ON “HARMFUL PRACTICES” AGAINST WOMEN**

Expert group meeting

organized by

United Nations Division for the Advancement of Women
United Nations Economic Commission for Africa
Addis Ababa, Ethiopia
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Report of the expert group meeting*

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1. BACKGROUND AND SCOPE OF THE MEETING

The forms of violence referred to as “harmful cultural or traditional practices” have been addressed by the United Nations for many years. These forms of violence include female genital mutilation, female infanticide and prenatal sex selection, child marriage, forced marriage, dowry-related violence, acid attacks, so-called “honour” crimes, and maltreatment of widows. Earlier attention within the United Nations to these forms of violence focused on their effects on the health of women and children, and on the importance of marriage based on the full and free consent of the intending spouse. Since the 1990s, they have been clearly acknowledged as forms of violence against women constituting gender-based discrimination and a violation of women’s human rights.

States are obligated under a comprehensive international legal and policy framework to enact, implement and monitor legislation on all forms of violence against women, including “harmful cultural or traditional practices” (hereinafter “harmful practices”). The international human rights treaty bodies, in particular the Committee on the Elimination of Discrimination against Women, regularly call on States parties to adopt legislation to eliminate “harmful practices”. Article 16(2) of the *Convention on the Elimination of All Forms of Discrimination against Women* specifies that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory. The 1993 General Assembly *Declaration on the Elimination of Violence against Women*¹ states that “States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.” The General Assembly and other inter-governmental bodies of the United Nations have called on governments to develop and fully implement laws and other measures to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriage and so-called “honour” crimes². The General Assembly has called on Member States to “review and, where appropriate, revise, amend or abolish all laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles.”³

Regional legal and policy frameworks also mandate legislative action to address “harmful practices”. For example, the 2003 *Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa* (the Maputo Protocol) requires that

¹ General Assembly resolution 48/104.

² See for example General Assembly resolution S-23/3 annex, para.69(e). General Assembly resolutions 56/128 of 19 December 2001 and 59/165 of 20 December 2004, the agreed conclusions of the Commission on the Status of Women on the elimination of all forms of discrimination and violence against the girl child (2007), resolutions 51/2 and 51/3 of the Commission on the Status of Women in 2007, and resolutions of the former Sub-Commission on the Promotion and Protection of Human Rights all call for legislation on “harmful practices”.

³ General Assembly resolutions 61/143 and 63/155.

recommendations are applicable to all forms of violence against women, some are specific to domestic violence and sexual violence. Based on the outcome of the 2008 expert group meeting, the Division for the Advancement of Women prepared a Handbook for legislation on violence against women (2009).⁸

In order to supplement the model framework for legislation with specific recommendations and good practice examples in relation to legislation addressing the forms of violence against women referred to as “harmful practices”, DAW/DESA, in collaboration with the United Nations Economic Commission for Africa (UNECA), held an expert group meeting on good practices in legislation to address harmful practices against women in Addis Ababa, Ethiopia, from 25 to 28 May 2009. The purpose of the expert group meeting was to analyze different legislative approaches for addressing “harmful practices”, and assess lessons learned and identify good practices in regard to legal reforms on “harmful practices”. The outcome of the meeting is intended to assist States and other stakeholders in enhancing existing, and developing new, legislation on violence against women. The expert group meeting brought together a broad range of experts (see Annex I for the list of participants).

The following officers were selected:

- Chairperson: P. Imrana Jalal
- Vice-chairperson: Dorcas Coker-Appiah
- Rapporteur: Asmita Basu
- Facilitator of working group on so-called “honour” crimes: Aisha Gill
- Rapporteur of working group on so-called “honour” crimes: Asmita Basu
- Facilitator of working group on “harmful practices” related to marriage: Dorcas Coker-Appiah
- Rapporteur of working group on “harmful practices” related to marriage: Gita Sahgal
- Facilitator of working group on female genital mutilation: Dora Byamukama
- Rapporteur of working group on female genital mutilation: Carole Agengo

The programme of work for the meeting is contained in Annex II. The papers presented at the meeting can be found on the website of the United Nations Division for the Advancement of Women at:

<http://www.un.org/womenwatch/daw/vaw/v-egms-gplahpaw.htm>

2. THE NATURE OF “HARMFUL PRACTICES” AGAINST WOMEN

“Harmful practices” are the result of gender inequality and discriminatory social, cultural, and religious norms, as well as traditions, which relate to women’s position in the family, community and society and to control over women’s freedom, including their sexuality. While some cultural norms and practices empower women and promote women’s human

⁸ The Handbook for legislation on violence against women is available online at: <http://www.un.org/womenwatch/daw/vaw/v-handbook.htm>.

rights, many are also often used to justify violence against women. Women are engaged as perpetrators in the commission of “harmful practices”.

Women throughout the world may be exposed to a wide range of “harmful practices” across their life cycle, including prenatal sex selection and female infanticide, child marriage, dowry-related violence, female genital mutilation, so-called “honour” crimes, maltreatment of widows, inciting women to commit suicide, dedication of young girls to temples, restrictions on a second daughter’s right to marry, dietary restrictions for pregnant women, forced feeding and nutritional taboos, marriage to a deceased husband’s brother, and witch hunts.⁹ The ways in which culture shapes violence against women are as varied as culture itself. For example, the phenomena of “date rape” and eating disorders are tied to cultural norms but are not often labeled as cultural phenomena.¹⁰ New “harmful practices” are constantly developing, and existing “harmful practices” have altered as a result of globalization and migration. There is therefore no exhaustive list of “harmful practices” against women.

2.1. Changes in “harmful practices” over time

Migration, globalization and/or conflict have resulted in the transfer of certain “harmful practices” to different locations, as well as in changes and/or adaptations to the practices.

associated with a woman's "coming of age". Female genital mutilation may also result in a variety of reproductive health issues, including maternal and infant mortality and obstetric fistula. Pre-natal sex selection and sex selective abortions are forms of discrimination against women and are symptomatic of the devalued status of women in society.

3. RECOMMENDATIONS FOR LEGISLATION ON "HARMFUL PRACTICES"

About the recommendations

The recommendations contained in this report address either all forms of "harmful practices" or, where specifically stated, one particular "harmful practice". Each recommendation is followed by a commentary explaining the recommendation and providing examples of promising practices. They supplement the recommendations contained in the *Handbook for legislation on violence against women* which apply to all forms of violence against women, and should be read in conjunction with those contained in the Handbook.¹⁵

The expert group meeting discussed numerous forms of "harmful practices". However, due to limitations of time, the meeting was structured so as to pay particular attention to female genital mutilation, so-called "honour" crimes, acid throwing, stove burning and "harmful practices" related to marriage, particularly forced marriage, child marriage, bride price and dowry. Acid throwing and stove burning may be undertaken in connection with "harmful practices" such as dowry-related violence or harassment or so-called "honour" crimes.

The recommendations are based on the knowledge, understanding and experiences of those present at the expert group meeting. They include a discussion of existing practices and future proposals based on varying country contexts and different institutional structures. Throughout the text, reference to certain aspects/sections of a piece of legislation, part of a legal judgment, or aspect of a practice does not imply that the legislation, judgment or practice is considered in its entirety to be a promising practice¹⁶.

Terminology

The following terms were chosen for use throughout this report:

- *female genital mutilation* was chosen in order to emphasize the gravity of the act;¹⁷

¹⁵ United Nations Division for the Advancement of Women (2009) *Handbook for legislation on violence against women*. (New York: United Nations), available online at: <http://www.un.org/womenwatch/daw/vaw/v-handbook.htm>.

¹⁶ For a discussion of promising practices to address violence against women, see United Nations (2006), *Ending Violence against Women: from words to action, Study of the Secretary-General (A/61/122/Add.1 and Corr.1)*, Chapter VII, pp. 101 to 114

¹⁷ Some United Nations agencies use the term 'female genital mutilation/cutting' wherein the additional term 'cutting' is intended to reflect the importance of using non-judgmental terminology with practicing communities. Both terms emphasize the fact that the practice is a violation of girls' and women's human

- *child* was taken to mean any human being below the age of eighteen years;
- *child marriage*, as opposed to early marriage, was chosen in order to emphasize that at least one of those involved in the marriage is a child under international law;
- *multiple legal system* was adopted to refer to any situation where more than one of the following systems of law are operating simultaneously: common law, civil law, customary law, religious law, and/or other¹⁸;
- *So-called “honour” crimes* is used to emphasize that this violence, while excused in the name of “honour”, is not honourable and should be condemned as a human rights violation.

3.1. Human rights-based and comprehensive approach (cross-reference section 3.1 of the Handbook)

3.1.1. Review of the Constitution

Recommendation

The Constitution should be reviewed to ensure that, where multiple legal systems exist,

3.1.2. “Harmful practices” as forms of violence against women and manifestations of gender-based discrimination

Recommendation

Legislation should:

- acknowledge that all forms of violence against women, including all “harmful practices”, are a form of discrimination, a manifestation of historically unequal power relations between men and women, and a violation of women’s human rights (cross-reference section 3.1.1 of the Handbook);
- refer to regional human rights conventions and standards, where they exist; and
- provide that no custom, tradition or religious consideration may be invoked to justify “harmful practices” against women.

Commentary

There are comprehensive international and regional legal and policy frameworks calling on Member States to adopt legislation in relation to all forms of violence against women, including those referred to as “harmful practices.” An increasing number of countries are enacting laws in line with these frameworks, which highlight international treaties and emphasize that “harmful practices” are forms of violence against women and violations of women’s human rights. Eritrea’s *Proclamation 158 /2007 to abolish female circumcision* states that female genital mutilation “violates women’s basic human rights by depriving them of their physical and mental integrity, their right to freedom from violence and discrimination, and in the most extreme case, their life.” Sierra Leone’s *Child Rights Act* of 2007, which in article 34 prohibits child and forced marriage, states that it was enacted in order to implement the Convention on the Rights of the Child and its two Optional Protocols, as well as the African Charter on the Rights and Welfare of the Child. India’s *Protection of Women from Domestic Violence Act* (2005), which addresses, inter alia, dowry-related harassment, refers to international standards, including the United Nations General Assembly’s *Declaration on the Elimination of Violence against Women* (1993) in its statement of object and purpose.

3.1.3. Comprehensive legislation on “harmful practices” to be enacted either as stand-alone legislation, or within comprehensive legislation on violence against women

Recommendation

Legislation should:

- ensure that so-called “honour” crimes, female genital mutilation, and “harmful

Recommendation

of these forms of violence and constitute an important step toward ending impunity. However, they do not provide for support and assistance to victims/survivors, nor do they mandate preventative measures to be taken. It is therefore important that “harmful practices” are the subject of comprehensive legislation, either through the enactment of stand-alone legislation on one particular “harmful practice”, or through the inclusion of “harmful practices” as part of a comprehensive law which addresses multiple forms of violence. Given the unique social dynamics that surround female genital mutilation, the enactment of a comprehensive stand-alone is recommended. The most promising example in this regard to date is Italy’s *Law No. 7/2006 on the prevention and the prohibition of female genital mutilation practice*, which not only criminalizes female genital mutilation, but also mandates a range of preventative activities, including: information campaigns for immigrants from countries where female genital mutilation is practiced; specific training programmes for teachers in primary and junior high schools; and implementation of training and information programmes, and the creation of anti-violence centres, as a part of development cooperation programmes. The Bangladesh *Prevention of Oppression Against Women and Children Act (2000)* provides an example of where a “harmful practice” (dowry death) is addressed in the context of legislation on multiple forms of violence.

3.2. Implementation (cross-reference section 3.2 of the Handbook)

3.2.1. Extraterritoriality and extradition powers

Recommendation

Legislation should:

- provide for the principle of extraterritoriality in respect of “harmful practices”;
- allow for the extradition of perpetrators of “harmful practices” for trial; and
- eliminate diplomatic protocols or policies that may impede a victim’s access to assistance in cases where she has dual citizenship.

Commentary

“Harmful practices” have been transferred to different places and transformed as a result of factors such as globalization, commercialization and migration. Cases of “harmful practices” often involve actions and actors on more than one continent. As a result, it is important that legislation provides for punishment and remedies in instances where these crimes are planned and committed across borders. This principle of extraterritoriality is now found in many European laws pertaining to female genital mutilation, as well as in relation to other “harmful practices”, including forced marriage. *Constitutional Act 3/2005* makes female genital mutilation committed abroad a crime in Spain. The United Kingdom’s *Forced Marriage (Civil Protection) Act (2007)*, which provides for the issuance of protection orders in cases of forced marriage, was first applied in 2008 in the case of a Bangladeshi national who had been

eventually returned to the United Kingdom.²⁰ The importance of extradition powers was evidenced in the case of an Iraqi citizen accused of committing a so-called “honour” murder in the United Kingdom who has been extradited to face trial.²¹ Norway has promulgated new rules governing marriages outside of Norway when at least one of the spouses is a Norwegian citizen or permanent resident. A marriage that occurs outside of Norway will not be recognized in Norway if one of the parties is under the age of 18 at the time of the marriage, the marriage is entered into without both parties being physically present during the marriage ceremony or one of the parties is already married. Article 17 (1) of the European Convention on Nationality provides that “Nationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party”.

3.2.2. Training of religious, customary, community and tribal leaders

Recommendation

Legislation should:

- mandate the training of all religious, customary, community and tribal leaders and, in particular, state-registered preachers and religious officials, to promote women’s human rights and denounce violence against women, including "harmful practices".

Commentary

In many societies, religious, customary, community and tribal leaders have strong influence and are in contact with the population through weekly communication, including religious and marriage services. In Turkey, the participation of religious leaders in work to address so-called "honour" crimes has had promising results, where Amnesty International Turkey has conducted a women’s human rights education project entitled “Raising Awareness and Increasing Capacity of Religious Leaders.” The project provides training to staff of the Turkish Presidency of Religious Affairs, which is directly connected to the office of the Prime Minister, on women’s human rights and violence against women. Training of religious officials on "harmful practices" and women’s human rights should occur during their vocational training, and be conducted by specialists in the particular system of law to which they subscribe.

3.2.3. Training of health professionals

Recommendation

Legislation should:

- mandate the training of health professionals, particularly those working in maternity, obstetrics, gynaecology, and sexual health, in order to promote women’s human

²⁰ For further information, see Bowcott, O and Percival, J (2008) “Bangladeshi “forced marriage” GP due back in Britain tomorrow” *Guardian newspaper online*, 15 December 2008, available online at: <http://www.guardian.co.uk/uk/2008/dec/15/gp-bangladesh-forced-marriage>.

²¹

Legislation should:

- provide for effective sanctions against anyone who condones or participates in any “harmful practices”, including religious, customary, community and tribal leaders and health professionals, social service providers and education system employees.

Commentary

Legislation on “harmful practices” should provide for the sanctioning of anyone who carries out, aids, abets or promotes “harmf

3.3.2. Female genital mutilation

3.3.2.1. Defining female genital mutilation

Recommendation

Legislation should:

- define female genital mutilation as any procedure involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons, whether committed within or outside of a medical institution.²²

Commentary

While female genital mutilation has been criminalized in several countries, many laws do not contain a specific definition of this "harmful practice". It is imperative that legislation provides a clear definition of female genital mutilation so as to allow effective prosecution and punishment of perpetrators, as well as protection and support for potential and actual victims/survivors. Given the trend toward medicalization of female genital mutilation in a number of countries, it is particularly important that any definition of this form of violence clearly condemn the practice whether committed within or outside a medical institution. Benin's *Law 3 of 2003 on the Repression of the Practice of Female Genital Mutilation in the Republic of Benin* adopts this approach, defining female genital mutilation as the partial or total removal of the external female genitalia or any other operation on these organs for non-medical purposes.

3.3.2.2. Considerations for criminal offences related to female genital mutilation

Recommendation

Legislation should:

- not distinguish between the different types of female genital mutilation for the purposes of punishment;
- clearly state that consent cannot be a defense to a charge of female genital mutilation;
- establish a separate and distinct offence of the act of female genital mutilation; and
- establish that perpetrators are subject to higher criminal penalties associated with crimes against children.

Commentary

It is important for the law not to distinguish between the four different classifications of female genital mutilation, so as to ensure that all types of female genital mutilation are considered and responded to with the same degree of seriousness. Similarly, it is critical that consent not be a valid defence against a charge of female genital mutilation, regardless of the age of the victim/survivor. In an amendment to its *Penal Code* in 2002,

²² United Nations (2008) *Eliminating female genital mutilation: An Inter-Agency Statement* available online at: http://www.un.org/womenwatch/daw/csw/csw52/statements_missions/Interagency_Statement_on_Eliminating_FGM.pdf.

Austria introduced article 90 (3) which stipulates that, it is not possible to consent to a mutilation or other injury of the genitals that may cause a lasting impairment of sexual sensitivity.

3.3.2.3. Duty to report female genital mutilation

Recommendation

Legislation should:

-

Commentary

3.3.3.3. Decriminalization of adultery

Recommendation

Legislation should:

- mandate the repeal of any criminal offence related to adultery.

Commentary

In many countries around the world, adultery

Research has shown that the aspect of criminal law most often utilised to reduce or eliminate penalties for perpetrators of so-called "honour" crimes (as well as for domestic homicides more generally) has been the partial defence of provocation, which reduces a homic

other stove-related matter. Where comprehensive domestic violence legislation has been developed, countries may wish to consider including crimes involving stove burning in the provisions of that law.

3.3.5.2. Considerations for criminal offences related to stove burning



- criminalize the unlicensed sale of any type of acid;
- regulate the sale of any type of acid; and
- mandate medical personnel to report to police any case of bodily harm caused by acid.

Commentary

In order to end impunity for acid attacks, it is critical to punish not only those involved in the acid attack itself, but also anyone who trades illegally in acid. Bangladesh's *Acid Crime Prevention Act* (2002) and *Acid Control Act* (2002) provides for punishment in both of these instances.

3.3.7. Forced marriage and child marriage (cross-reference to section 3.13 of the Handbook)

3.3.7.1. Defining forced marriage and child marriage

Recommendation

Legislation should:

- define a forced marriage as any marriage entered into without the free and full consent of both parties;
- set the minimum age for marriage as 18 for both females and males; and
- define a child marriage as any marriage entered into before the age of 18.

Commentary

It has long been established under international law that marriage must be entered into with the free and full consent of both parties and that States must specify a minimum age for marriage. It is also critical that laws, be they civil, common, religious or customary, do not mandate the payment of bride price or dowry in order to complete a marriage.

Any definition of forced marriage must be broad enough to encompass the whole array of practices related to this issue, including *sororate* (where a husband engages in marriage or sexual relations with the sister of his wife) and *levirate* (in which a woman is required to marry her deceased husband's brother), kidnapping for the purposes of marriage, exchange marriages (*bedel*), temporary marriages (*mut'ah* and *'urfi*), Quranic marriage, widow/wife inheritance, the forced marriage of a woman to a man who has raped her, barter marriages, and the practice of *trocosi* (ritual enslavement of girls), among others. Lack of free and full consent should be the key element of the definition of forced marriage. Rwanda has condemned forced marriage at the highest legal level through stating in article 26 of its *Constitution* that no person may be married without his or her free consent. Under the Belgian *Civil Code*, there is deemed not to be a marriage when it is contracted without the free consent of both spouses or when the consent of at least one spouse was given under duress or threat. The European Parliamentary Assembly Resolution 1468 “Forced Marriages and Child Marriages” (2005) addresses situations where there are doubts about free and full consent by authorizing a registrar to interview both parties prior to the marriage. Norway and Ireland have similar provisions in their laws.

Child marriage continues to exist in many countries and in many manifestations around the world. It is critical for laws to be enacted which clearly state that the minimum age for marriage is 18 and that any marriage below this age is a child marriage. The marriage registration process should require that both parties list their birth dates to ensure that the parties are of legal age to be married. Proof of age should be compulsory for marriage. Where official birth records are not available, laws should provide for alternative means of age validation, such as witness affidavits and school, baptismal and medical records. Also, laws should take into account illiteracy rates that may prevent parties from registering their marriages, for example there should be provisions for oral registration and an alternative signature, such as a fingerprint. Article 34(1) of Sierra Leone's *Child Rights Act (2007)* provides a good example of this approach. Sierra Leone's *Registration of Customary Marriages and Divorce Act (2007)* requires the registration of customary marriages. Either or both parties must notify the local council in writing within six months of the marriage.

3.3.7.2. Considerations for offences related to forced marriage and child marriage

Recommendation

Legislation should:

- create a specific offence of forced marriage;
- create a specific offence of child marriage;
- criminalize those involved in the arrangement or contracting of a forced marriage or child marriage; and
- prohibit betrothal before the age of 18.

The creation of a broad offence on forced marriage is important as it allows the full range of such marriages to be punishable under the law. For example, under the *Criminal Code* of the Kyrgyz Republic, the coercion of a woman to enter into marriage or to continue marital cohabitation and the abduction of a woman to enter into marriage against her will are prohibited. In some contexts it may be important, in addition to creating a broad offence of forced marriage, to explicitly criminalize specific types of forced marriage. For example, the Pakistani *Criminal Law (Amendment) Act 2004* criminalizes the giving of females in marriage as part of a compromise to settle a dispute between two families or clans. Under Article 23 of Georgia's *Criminal Code*, bride abduction qualifies as a "crime against human rights and freedoms" and a perpetrator can receive a sentence of four to eight years in prison or up to twelve years if the act is premeditated by a group. Under Article 16 of the Barbados *Sexual Offences Act 2002*, abduction for the purposes of sexual intercourse or marriage is prohibited.

Parents and guardians are heavily involved in the betrothal and marriage of children. It is therefore important for laws on this topic to explicitly address the criminal responsibility of those involved in the arrangement of a child marriage. For example, under article 168 of the Tajikistan *Criminal Code*, giving in marriage a girl who has not reached marriage age by parents or guardians is a punishable offence. Contracting a marriage with a person

who has not reached the marriage age is also punishable. The Indian *Prohibition of Child Marriages Act (2007)* provides rigorous penalties for those entering into child marriages and includes specific penalties for those either performing, abetting, or directing child marriages or involved in solemnizing, promoting, permitting or failing to prevent, child marriages.

Given that child marriages are often preceded by the betrothal of children, laws should also prohibit betrothal before the ag

- state that a perpetrator of domestic violence, including marital rape, cannot use the

"Payback" rapes often go unpunished due to a societal understanding that they are an acceptable part of conflict resolution. It is

3.4.2. Protection officers and protocols

Recommendation

Legislation should:

- mandate the appointment of specialized protection officers who have undergone dedicated training in relation to each specific "harmful practice" and are tasked with developing an individual safety plan for each victim/survivor: ensuring that the victim/survivor has access to legal aid; maintaining a list of service providers to

child protection systems which have proven effective in the protection of human rights of girls.

3.4.3. Registration and protection of service providers

Recommendation

Legislation should:

- provide for the registration of service providers who have as their objective the protection of the rights of women victims/survivors of violence; and
- state that no legal or other proceedings shall be brought against a service provider or member of the service provider who is, or is deemed to be, acting in good faith towards the prevention of "harmful practices" or the protection of victims/survivors of "harmful practices".

Commentary

In many countries around the world, those who provide services to victims/survivors of violence against women and, in particular "harmful practices", continue to be the subject of criticism and, in some instances, oppressive activities or legal proceedings. It is important that any legislation on "harmful practices" grant service providers a specific legal status and provide that no legal or other proceedings shall be brought against them in instances in which they were acting in good faith to prevent violence or protect victims/survivors. A good example of such a legislative provision can be drawn from section 10 of the Indian *Protection of Women from Domestic Violence Act (2006)*.

3.5. Protection orders (cross reference section 3.10 of the Handbook)

3.5.1. Protection orders in cases "harmful practices"

Recommendation

Legislation should:

- provide for the issuance of both emergency and long-term "protection orders" in relation to any form of "harmful practice"; and
- provide that in cases of "harmful practices", such protection orders may need to be issued against more than one person and, in some instances, an entire group, such as a tribe or extended family.

Commentary

Civil protection orders have proven to be one of the most effective legal mechanisms in protecting women from violence. There are many issues surrounding protection orders that should be considered

There are a growing number of countries in which protection orders (or general injunctions which have served as protection orders) can or have been issued in relation to "harmful practices". For instance, in 2009 police issued an order for protection for a young woman and man who married without their families' permission in Pakistan and had been sentenced by a tribal court to death in absentia.²³ In Kenya in 2000, a court in Rift Valley Province issued a permanent injunction against the father of two teenage girls, preventing him from forcing them to undergo female genital mutilation. The magistrate also ordered the father to continue providing the girls with financial support.²⁴

The "harmful practices" in relation to which legislation on protection orders has progressed the furthest are forced and child marriages. The *Forced Marriage (Civil Protection) Act* (2007) in the United Kingdom allows courts to issue an order for the purposes of protecting (a) a person from being forced into a marriage or from any attempt to be forced into a marriage; or (b) a person who has been forced into a marriage. Under section 13 of the Indian *Prohibition of Child Marriage Act* (2007), magistrates can issue an injunction against any person, including a member of an organization or an association of persons, prohibiting a child marriage where they are convinced that such a marriage has been arranged or is about to be solemnized.

3.6. Legal proceedings and evidence

3.6.1. Prohibition of "friendly agreements",

Act requires registration of customary marriages, makes forced marriage illegal and sets 18 as the legal marriage age. Experience has shown that even when the law requires the consent of both parties to register a marriage, men will often not give their consent. It is therefore important that any marriage registration law allow the registration of a marriage when requested by one party to the marriage.

3.7.1.2. Ensuring women's property and inheritance rights

Recommendation

Legislation should ensure that:

information on human rights has been introduced to communities in a non-

Annex I

LIST OF PARTICIPANTS

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Annex II

PROGRAMME OF WORK

MONDAY, 25 MAY 2009	
Time	Activity
9:00-10:00	Registration of participants
10:00-10:30	Opening of the meeting and organization of work

- Introductory remarks: Dr. Monique Rakotomalala, Director of the African Centre for Gender and Social Development, United Nations Economic and Social Commission for Africa

12.30-12.40	• SherifaZuhur, USA
12.40-12.50	• LeylaPervizat, Turkey
12.50-13.00	• ShahnazBokhari, Pakistan
13.00-13.10	• Aisha Gill, United Kingdom
13.10-13.20	• Salma Ali, Bangladesh
13.20-13.30	• <i>Questions and answers</i>
13:30-15:00	<i>Lunch break</i>
15.00-15.30	DISCUSSION: Good practices in legislation to address harmful practices against women, particularly so-called honour crimes
15.00-15.15	<i>Small group discussions based on the presentations in groups of 5 experts: identify effective approaches and note promising practices in law to address harmful practices against women, particularly so-called honour crimes.</i>
15.15-15.30	Reporting from the small group discussions to the plenary and plenary discussion identifying effective approaches and noting promising practices.
15.30-16:20	Good practices in legislation to address harmful practices against women, particularly forced marriage and early marriage
15.30-15:40	• RuslanKhakimov, Kyrgyzstan
15:40-15:50	• Cheryl Thomas, CEE/FSU
15:50-16:00	• AsmitaBasu, India
16.00-16.10	• ImranaJalal, Fiji
16.10-16.20	• <i>Questions and answers</i>
16.20-16.40	<i>Tea/coffee break</i>

10:00-11:00	Plenary discussion and preparation for working groups
10:00-11:00	<ul style="list-style-type: none">• <i>Plenary discussion: recapping Day 1 and identifying themes and participants for the working groups.</i>

