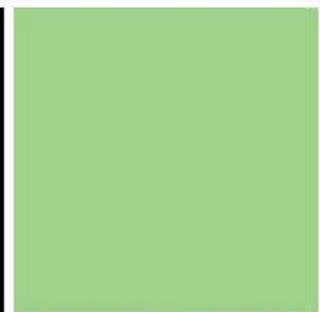


Combating Domestic Violence Against Women and Girls

*Policies to Empower Women
in the Arab region*



ESCWA

United Nations Economic and Social Commission for Western Asia

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (ESCWA)

**COMBATING DOMESTIC VIOLENCE AGAINST WOMEN AND GIRLS:
POLICIES TO EMPOWER WOMEN IN THE ARAB REGION**

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Acknowledgements

This study is the culmination of a year-long dynamic and engaging collaboration between the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and ESCWA. The study was born out of the recognition that there is a gap in information available in the region on violence against women and girls, and that such a gap hampers policy recommendations. Consequently, this publication aims to contribute significantly to the evidence base on violence against women and girls and provide a solid ground for policy recommendations to governments, civil society institutions, academia, United Nations bodies and regional organizations.

This study would not have been possible without the hard work and dedication of several people. The lead author, Camillia Fawzi el-Solh, has worked tirelessly on the study, including undertaking intensive research and successfully compiling the entire valuable annex, thereby creating a database of knowledge on violence against girls, female youths, and adult and elderly women. She was supported by a team of field researchers, namely, Anna Rita Ronzoni, Asma Mansour al-Ghanim, Mabrouka Gasmi and Najat Sayem Khalil, all of whom worked diligently to contribute to the knowledge generated for this study.

In an effort to ensure that the study accurately reflects the reality in the countries covered and that the recommendations are realistic and implementable, two meetings were held with renowned experts from the Arab region and beyond. The first was a consultative meeting held in UN-House (Beirut, January 2013) to discuss the desk review, followed by an expert group meeting that also took place in UN-House (Beirut, May 2013) to discuss and comment on the draft study. Both meetings resulted in excellent and vigorous debates, and contributed towards enhancing the final study. A number of experts at these meetings made invaluable contributions, including the following: Azza Baydoun Sharara, Deniz Kandiyoti, Emmanuelle Compingt, Enshrah Ahmad, Fatma el-Zanaty, Jocelyne Talbot, Hamida al-Bouri, Magda el-Sanousi, Manal Jubeh, Moulay Mustapha el-Kacimi, Nada Darwazeh, Rola el-Husseini, Sultana al-Geham, Sandra Willis, Yousri Mustafa and Zoya Rohanna. Moreover, internal peer reviewers made invaluable suggestions. Fateh Azzam provided meticulous peer review of the final draft, as did Lisa Majaj who also made concluding revisions and brought the study to its current version.

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ABBREVIATIONS AND EXPLANATORY NOTES

ASRO	Arab States Regional Office
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIVICUS	World Alliance for Citizen Participation
CRC	Convention on the Rights of the Child
CSW	Commission on the Status of Women
FGM	Female genital mutilation
GBVAOR	Gender-Based Violence Area of Responsibility
GRB	gender-responsive budgeting
HDI	Human Development Index
HRC	Human Rights Council
ICCPR	International Covenant on Political and Civil Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICPD	International Conference on Population and Development
IDP	internally displaced person
LAS	League of Arab States
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Surveys
NGO	non-governmental organization
STD	sexually transmitted disease
UNDP	United Nations Development Programme
UNFPA	United Nations Fund for Population Activities
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for Women
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women
USAID	United States Agency for International Development
VAW	violence against women
WHO	World Health Organization

References to dollars (\$) are to United States dollars, unless otherwise stated.

References have, wherever possible, been verified.

Executive summary

Violence against women and girls remains a global phenomenon that is not confined to any particular geographical region, race, ethnicity, society, culture, age group or socio-economic stratum. This study examines violence against women and girls in 18 Arab countries covered by both mandates of ESCWA and UN-Women, with particular focus on violence in the domestic sphere. The objective of the study is to generate evidence-based policy recommendations for Arab member countries in order to assist them in scaling up their commitment to combating violence against female population groups, especially in the domestic sphere, and to promote gender equality and enhance women's empowerment in Arab societies.

An initial desk research was carried out to develop the conceptual and analytical framework for the study, locate sources of information, establish a knowledge base, identify challenges and gaps affecting research on violence, and develop the methodology and tools necessary for carrying out field missions in selected Arab countries. Field missions were carried out in eight countries to conduct interviews and focus group discussions with key stakeholders, validate and update sources of information covering legislation and national interventions in support of women's development, and identify lessons learned and examples of good practice. The research focus was narrowed to domestic violence within the family specifically, rather than within the household more generally.

For the purpose of the study, the narrower definition of gender-based violence is used – that is, violence against female adults, elderly women, female youth and girls in the family stemming from their subordinate status in society, with particular implications for their particular vulnerability to domestic violence. The focus is on domestic violence in the family, wherein family members share the same space and resources, rather than a household framework that may include non-kin members.

National discourses on societal, economic and political issues affect perceptions of the roles and status of Arab women. Both the spread of more conservative views in Arab societies regarding an “ideal” female role and the conflation of socio-cultural norms and religious scriptures perpetuate an ossified patriarchal system that results in domestic violence being tolerated or even condoned. In socio-cultural contexts where women are expected to adhere to societal norms in upholding family “honour”, and where men are perceived as having the “right” to “discipline” female family members, women may be penalized for any perceived contravention of these norms. As a result, domestic violence may be seen as a means of maintaining and reinforcing “social order”.

A regional analysis of national constitutions and basic laws, penal legislation and personal status laws indicates that laws and regulations pertaining to violence against women are not only dispersed among various sources, but may also be contradictory. The discourse on women's rights is particularly contested with regard to the elimination of gender-based inequalities in legislation. Faith-based personal status laws may contradict other sources of legislation upholding women's rights. Even when legislation regarding combating violence against women is in place, the effectiveness of law-enforcement institutions in implementing such legislation remains in question. Similarly, harmonization of national legislation with international human rights instruments on gender equality remains a key challenge. These contradictions hinder the ability of Arab countries to address manifestations of violence against women, especially modes of violence that are socially taboo, such as spousal violence and sexual violence in the family.

Some national development plans and women's development strategies across the Arab region include reference to violence against female population groups; and others have separate national action plans for combating violence against women (VAW). However, development of anti-VAW strategies does not necessarily imply that countries explicitly focus on violence against women in their national development plans, or that they have a separate national strategy for women's development. Nor is the implementation of anti-VAW interventions uniformly effective. Current strategic interventions point to the challenge of institutionalizing multipronged approaches to programme implementation and promoting a culture of accountability among government stakeholders.

Analysis of available information on the provision of public services for survivors of VAW provides insights into State protection of females vulnerable to domestic abuse. In most Arab countries, government protection services for victims and/or survivors are limited and dispersed among various public sector institutions, and rarely do they achieve nationwide coverage. Overall, there is a perpetuation of disconnected, public-service delivery chains. Little information is available on the role of the private health service sector in combating domestic violence; there is a need for protocols, accountability and capacity development to address domestic violence within this sector.

Non-governmental organizations (NGOs) in Arab countries play a crucial role in filling gaps left by State interventions in combating violence against women and girls. NGOs can undertake projects that focus on violence and provide services to victims and/or survivors. Some NGOs operate independently of the government; others may coordinate with State institutions and national women's programmes. NGOs may provide legal and counselling services; implement awareness-raising campaigns; operate hotlines and shelters; provide protection for abused children; assist vulnerable elderly people; and provide health services, including the detection of domestic violence. However, protection services provided by the NGO sector are generally limited in coverage and dependent on donor funding, a fact that limits their ability to combat violence against women and girls effectively and sustainably.

NGOs are generally involved in promoting women's political participation, constitutional reform, media mobilization and curricula changes; such activism includes components relevant to combating violence. NGOs that focus on combating violence against women form national networks and coalitions with other like-minded NGOs and civil society activists in order to plan and implement pertinent advocacy campaigns. They also join similar regional networks in the Arab region focusing on women's empowerment as well as on the elimination of violence against women and girls. However, NGO advocacy and service provision is often hampered by regulatory frameworks that are not based on a rights-based approach to human development and that undermine the actual and potential role of NGOs as key players in the development process. These regulatory frameworks may similarly hinder the role of the media sector in contributing to combating domestic violence given that media outlets, especially private outlets, may vary in their advocacy for women's human rights and their commitment to combating violence.

United Nations agencies have over the past decades contributed to the engagement of men and boys in supporting women's participation in the development process, and to the discourse on changing perceptions of masculinity. Until the late 1990s, the involvement of men in support of Arab women's development participation and the rethinking of concepts of masculinity remained neglected topics. However, academic research, civil society forums and NGO stakeholder involvement are beginning to provide increasing insights into the initiation and development of such discourses in the Arab region. Social media provides another channel for discussion and information-sharing regarding masculinity concepts in Arab societies. Website networks that stress the engagement of male peers as part of the solution, rather than simply part of the problem, similarly aim to engage Arab men in the battle against violence.

Combating violence against women and girls is severely hampered by scarce national databases. Institutionalizing data collection procedures and strengthening links between social, health/reproductive health and economic service providers are crucial to ensuring that violence is addressed as a cross-cutting human rights issue. The United Nations system is in the process of further developing and applying statistical frameworks to capture in full manifestations of violence against women and girls and their costs thereof.

With some exceptions, Arab countries do not generally focus on the economic cost of neglecting the issue of violence against women and girls. This is the case even though generic indicators are accessible and may be further developed to meet the specificities of Arab countries. In this connection, it is important to note that to date only a few Arab countries have institutionalized gender-responsive budgeting (GRB) in their national accounts system, or earmarked financial resources for implementing national strategies for women's empowerment.

Examples of good practice help to identify effective strategies and approaches to address the legal, structural and other causes perpetuating domestic violence. Violence against family members is a socially and legally sensitive matter in Arab countries. However, there are indications of emerging good practices, suggesting that the culture of shame and silence hitherto surrounding the subject has begun to be addressed. Used as the basis of evidence-based policy recommendations, such emerging examples include strategic approaches, legal reform and the rule of law, protection services and resources, documentation of domestic violence, awareness-raising and advocacy, media and accountability, and involvement of men and boys in combating violence.

While State-sponsored and other interventions may reflect intent of good practice, gaps still exist between intent and practice. These gaps include interventions that are implemented piecemeal or that address symptoms rather than root causes of violence; disconnected strategic objectives; uncoordinated public-service delivery chains; inadequate budget allocations; limitations of political will and due diligence on the part of duty-bearers; legal loopholes that contribute to perpetuating impunity and ineffective enforcement of the rule of law; limited State protection services; inadequate support of female victims and/or survivors of domestic violence; restrictions on civil society; regulatory frameworks that restrict advocacy; polarization of public opinion; and ongoing contested discourses regarding female gender roles.

The evidence-based policy recommendation framework put forward in this study is based on a holistic, rights-based approach to human development. The framework assumes coordination between all stakeholders, namely, government, civil society, regional bodies and United Nations organizations, and the development of cross-sectoral strategies and action plans.

I. INTRODUCTION

A. BACKGROUND AND THE PREVALENCE OF VIOLENCE AGAINST WOMEN AND GIRLS

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 reflects the explicit recognition by the international community that women's rights are human rights. While CEDAW articles do not address violence against women in the private sphere per se, the CEDAW Committee's General Recommendation No. 19 on VAW makes clear that "States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".¹ Furthermore, the CEDAW Committee in its 11th session (1992) acknowledged that "family violence is one of the most insidious forms of violence against women".²

Violence, whether committed in public or in private, is reprehensible, and girls and women suffer from it disproportionately. Governments have specific human rights obligations under international law to protect girls and women from all forms of discrimination, including gender-based violence. CEDAW and other human rights treaties require State accountability for abuses that occur at the hands of private actors, and require States to show due diligence in responding to and preventing these violations. A State's consistent failure to provide accountability when girls and women are disproportionately affected by violence amounts to unequal and discriminatory treatment, and constitutes a violation of the State's obligation to guarantee girls and women equal protection under the law.³

The Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women in 1995, also calls on governments to address violence against women. The Platform for Action states, "Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed... In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women."⁴

"The Commission strongly condemns all forms of violence against women and girls. It recognizes their different forms and manifestations, in different contexts and settings, circumstances and relationships, and that domestic violence remains the most prevalent form that affects women of all social strata across the world."⁵

Most recently, the focus of the 57th session of the United Nations Commission on the Status of Women (New York, 4-15 March 2013) drew renewed attention to the reality that, notwithstanding United Nations resolutions on this human rights concern, violence against women and girls remains a global phenomenon that is not confined to any particular geographical region, race, ethnicity, society, culture, age group or social strata. The agreed conclusions of the Commission on the Status of Women (CSW) reaffirmed that violence

¹ CEDAW Committee, 1992, para. 9.

² Commission on the Status of Women, 1992.

³ United Nations General Assembly, 1979.

⁴ Commission on the Status of Women, 2013. See also Butler and Ruane, 2013.

⁵ Ibid.

against women in all its forms, including domestic violence, is a violation of women's human rights and dignity; and urged States parties to combat such violence and to "refrain from invoking any custom, tradition or religious considerations to avoid their obligation with respect to its elimination".⁶

Moreover, the 2013 World Health Organization (WHO) report similarly concluded that violence against women represented a "violation of women's human rights is not a small problem that only occurs in some pockets of society, but rather is a global public health problem of epidemic proportions".⁷

The challenge of combating violence against female population groups of all ages in the Arab region is receiving increasing attention by States, civil society entities and human rights activists. Despite a general lack of available, reliable data in the region, several countries have conducted national surveys that provide a basis of knowledge about violence against women and girls.

In Algeria, the *National Survey on Violence against Women* includes some information on domestic violence. Out of some 9000 reported cases of abuse, around 50 per cent of the victims were aged 23-40 years. In two-thirds of the reported cases, the husband was the aggressor, with violence often committed in front of children. Five per cent of the reported cases were defined as sexual abuse, and around 3 per cent were rape cases. The analysis concluded that women with low education level and not in paid employment were particularly vulnerable to verbal and physical violence.⁸

The *Egypt 2008 Demographic and Health Survey* revealed that around 30 per cent of women in the sample who were or had been married believed a husband was justified in beating his wife if she went out without his permission, neglected her children or refused to have sexual intercourse with him. Younger women, rural women and women in Upper Egypt were more likely to indicate that a husband had the right to beat his wife for the above reasons. The *Survey* included a chapter on female genital mutilation (FGM), revealing that 91 per cent of Egyptian females in the sample aged 15-49 had been subjected to such mutilation. Nearly 50 per cent of female respondents believed that FGM was a religious requirement and needed to be continued. Data also revealed a link between early marriage and educational level, as well as a link between early marriage and the wealth quintile.⁹

Iraq carried out a family health survey in 2006-2007 that included a section on domestic violence. The study addressed the controlling behaviour of husbands (reported by around 83 per cent of female respondents); emotional violence (reported by around 33 per cent of female respondents); physical violence (reported by around 21 per cent, defined as beating, burning, choking, threatening or attacking with a knife); and violence during pregnancy (reported by around 14 per cent). While there were minimal differences between urban and rural respondents, statistically fewer Iraqi women in the northern Kurdish region reported domestic violence as compared with their female peers in the central and southern regions of Iraq.¹⁰

In Jordan, the *Population and Family Health Survey* of 2007 revealed that one in three women aged 15-49 years who were or had been married reported being subjected to physical violence. Prevalence of violence was more than twice as high among divorced women as among currently married female respondents, though urban and rural women were equally likely to have been subjected to physical violence by family members. Women with no education or only elementary-level education were twice as likely to report physical violence as those with secondary or higher education. Around 8 per cent of female

⁶ Ibid.

⁷ WHO, 2013, p. 3. See also WHO, 2010.

⁸ Algeria, Ministry of Family and the Status of Women, 2007, p. 28.

⁹ Egypt, 2008, pp. 42-43, 99-100 and 197-208.

¹⁰ Iraq and World Health Organization, 2008.

respondents reported that they had been subjected to sexual violence by their husbands; and women whose husbands had low education levels were more likely to have experienced spousal violence.¹¹

The *Sudan Demographic and Health Survey 1989-1990* revealed that 79 per cent of women who were or had been married supported FGM, with only slight variation between younger and older age groups. Urban-based and higher educated Sudanese women were less likely to support FGM than their less-educated and rural-based female counterparts; and Christian Sudanese women were less likely to support FGM than their Muslim female peers.¹² However, the subsequent *Sudan 2006 Household Health Survey* showed an overall decrease in support of FGM, with around 45 per cent of women aged 15-49 years indicating approval. With respect to the wealth quintile, the poorer the respondent the more likely they were to approve FGM. Yet one in three of the richest wealth quintile indicated they intended to “circumcise” their daughters.¹³

B. OBJECTIVE AND THE SCOPE OF THE STUDY

ESCWA and UN-Women have joined forces to undertake a study that focuses on manifestations of violence against women and girls which have hitherto received relatively limited attention. At a time when much focus is placed on gender-based violence in the public and political spheres in the Arab region, this study aims to investigate violence specifically in the domestic sphere. The objective of this study is to generate evidence-based policy recommendations addressed to Arab member countries in order to assist them in scaling up their commitment to combat violence against female population groups, particularly in the domestic sphere, in the context of promoting overall gender equality and women’s empowerment. The recommendations emanating from this study will feed into UN-Women’s Regional Strategy on Violence against Women and Girls and into ESCWA’s Work Programme on the Advancement of Women, while also providing opportunities for joint initiatives with other United Nations entities.

Despite some (and limited) statistical and anecdotal evidence regarding the prevalence of domestic violence in the Arab region, this is an area of research that has until recently received relatively limited attention from government authorities. This shortage of attention may owe in part to cultural sensitivities about addressing violence in what is typically perceived to be the sanctity of the private sphere. Even when violence in the domestic sphere has been made the subject of investigation, the focus has tended to be on specific manifestations of such violence or on specific members in the family or household. There have been limited investigations into the modes of violence that are considered social taboos, including spousal violence, sexual abuse of minors and violence against the elderly. Either these forms of violence have been overlooked, or they have been glossed over by inclusion with other modes of discrimination, rather than being dealt with as specific abuses of human rights requiring criminalization by the justice system.

The study focuses on 18 Arab countries covered by the mandates of ESCWA and UN-Women, namely: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Oman, Qatar, Saudi Arabia, the Sudan, Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Unless indicated otherwise, reference in this study to Arab countries implies the 18 Arab countries mentioned above.¹⁴

¹¹ Jordan, Department of Statistics, 2008, p. 171.

¹² Sudan, Department of Statistics, 1991, p. 120.

¹³ Sudan, 2007.

¹⁴ This implies that other members of the League of Arab States are not covered in this study.

C. RESEARCH METHODOLOGY: PROCESS AND TOOLS

1. Desk study

As a first step in researching manifestations of domestic violence in the Arab region, a desk study was carried out aimed at the following: (a) developing the conceptual and analytical framework for the research focus on domestic violence; (b) locating sources of information of direct and/or indirect relevance to investigating domestic violence in Arab societies, with the additional goal of creating a knowledge base; (c) identifying challenges as well as information gaps affecting research on violence, especially domestic violence, against adult and elderly women, female youth and girls in the Arab region; and (d) developing the methodology and tools necessary for carrying out field missions in selected Arab countries. The desk study findings were discussed and the methodology further refined in the course of an expert group meeting (Beirut, 7-8 January 2013).

In consultation with ESCWA and UN-Women, the key research questions guiding the study and field missions were further refined (see box 1).

Box 1. Key research questions

- (a) What policies, strategies and programmes are already in place of direct or indirect relevance to combating violence against girls and women in Arab countries, with specific focus on domestic violence?
- (b) What are the sources of legislation of direct or indirect relevance to combating violence against girls and women in Arab countries, with specific focus on domestic violence? Are these sources of legislation on violence against girls and women in harmony with the goal of promoting gender equality and women's empowerment?
- (c) What government and civil society interventions are in place to support the combating of violence against girls and women in Arab countries, with specific focus on domestic violence? Do these include costing the impact of violence against girls and women?
- (d) Do these interventions contribute to effectively combating violence against girls and women in Arab countries, with specific focus on domestic violence? What are the constraints?
- (e) Are there available/accessible qualitative and quantitative data and information to support evidence-based policies and strategies that aim to combat violence against girls and women, specifically in the domestic sphere?
- (f) How does the socio-cultural context affect perceptions of violence against girls and women in Arab communities and societies? Specifically, how do girls and women, boys and men in Arab societies perceive and deal with violence, in particular in the domestic sphere?

2. Field research in selected Arab countries

Eight Arab countries were selected on the basis of specific criteria, including rank on the Human Development Index (HDI); location in the three Arab subregions, namely, Maghreb, Mashreq and Gulf; existence of national women's machinery; and development of national strategies for women that include a focus on violence as part of their strategic objectives and/or that focus specifically on combating violence against women. The following Arab countries agreed to receive the ESCWA/UN-Women missions: Egypt, Kuwait, Lebanon, Morocco, Palestine, Tunisia, Qatar and Yemen.¹⁵

¹⁵ Four regional field consultants were recruited, each of whom carried out field missions in two Arab countries, supervised by the lead researcher in cooperation with ESCWA and UN-Women.

The objective of the field missions carried out in the eight selected Arab countries included conducting interviews and focus group discussions with key stakeholders to validate and update information on violence against women and girls, in particular domestic violence; validating and updating information covering legislation and national interventions in support of women's development; updating the reference list/sources of information; and indicating gaps, lessons learned and good practices to be taken into consideration in the analysis and policy recommendations presented in the final study.

Key stakeholders targeted for the field missions included government authorities in key ministries; national women's machineries; selected non-governmental organizations (NGOs) working on women's human rights and on violence against women; political constituencies (parliamentary committees and political parties); members of the judiciary (judges, prosecutors and lawyers); law enforcement staff; religious authorities (of all faiths, as applicable); and representatives of the media sector and of academia. Wherever feasible, interviews and focus group discussions were carried out with self-selected female victims and/or survivors of domestic violence reached via selected NGOs.

Overall, key stakeholders identified in the government sector and authorities and in civil society in the selected Arab countries were forthcoming in sharing information with the regional field researchers.¹⁶ However, in some cases, particularly in Arab countries that had experienced recent uprisings, stakeholders – male and female alike – were less inclined to dwell on the subject of domestic violence, instead pointing out that current manifestations of political violence as well as the economic crisis were much more important issues to investigate.

Some stakeholders, government and civil society were inclined to focus on the symptoms of domestic violence rather than on root causes, notwithstanding probing questions raised by the field researchers. In such cases discussion of legal reform and possible amendment of key regulations conducive to tackling the problem of domestic violence tended to be less informative. Some female respondents were more inclined to dwell on social and legal issues, while some male respondents tended to prioritize economic and political concerns. However, overall, there were no conspicuous gender-based differences in the stakeholders' responses on domestic violence as a human rights abuse. Another challenge, if not limitation, was the blurring of lines between official views presented by stakeholders and their own subjective views on what is generally perceived to be a sensitive topic, that is, discussion of domestic violence.

A particular challenge encountered by the field researchers was gaining access to female victims and/or survivors of violence. Given cultural sensitivities as well as the vulnerability of this target group, contact was facilitated through those NGOs that were providing them with protection and services. Inevitably, this meant that this target group was self-selected, and may have been constrained in voicing views deemed critical of the pertinent NGO.

Overall, the findings of the field missions are analysed in chapter III, specifically with regard to the following: (a) legal loopholes that perpetuate impunity; (b) the State as key duty bearer holding accountability for due diligence; (c) the role of civil society as mediator; (d) the role of media and academia in highlighting the incidence of domestic violence; and (e) contributions from religious as well as community leaders in combating domestic violence. Findings from the field missions also contribute to identifying the good practice examples and lessons learned discussed in chapter IV.

¹⁶ Stakeholders were identified through ESCWA and UN-Women contacts, the field researchers and governmental as well as non-governmental entities in the eight field mission countries.

D. CONCEPTUAL FRAMEWORK

1. *Conceptualizing violence as a human rights violation*

The Programme of Action agreed upon during the 1994 International Conference on Population and Development (ICPD) includes explicit reference to gender-based violence.¹⁷ The 1995 Fourth World Conference on Women/Beijing Platform of Action includes three strategic objectives that aim to combat violence against women and girls.¹⁸ Moreover, subsequent to the abovementioned 1993 Declaration on the Elimination of All Violence against Women, the United Nations General Assembly repeatedly issued resolutions calling on States parties to intensify their efforts to eliminate all forms of violence against women.¹⁹ In 2006, the General Assembly issued an in-depth study on violence against women that includes numerous references to domestic violence.²⁰ In 2010, the United Nations Human Rights Council reiterated the obligation of States parties to “exercise due diligence to prevent violence against women and girls”, and to treat manifestations of such violence as “illegal acts for which adequate, effective and appropriate punishment and remedies” should be in place.²¹

Other United Nations entities have also drawn attention to the urgent need to combat violence against women and girls. This includes, for example, Security Council resolutions focusing on women, peace and security; Human Rights Council resolutions, such as the compilation of good practices in preventing violence against women; the Secretary General’s Database on Violence against Women; and missions carried out by the United Nations Special Rapporteur on Violence against Women.²²

Global, regional and national networks and campaigns have been launched to stress that the promotion of the human rights of women and their participation in the development process, including in conflict resolution and peace-building, cannot be achieved without combating the root causes of violence against all female population groups. One example is the campaign, launched by the Secretary General in 2008 and entitled Say No – UNITE to End Violence Against Women, in order “to raise public awareness and increase political will and resources for preventing and ending all forms of violence against women and girls in all parts of the world”.²³ Moreover, the UN-Women Virtual Knowledge Centre to End Violence against Women and Girls shares advocacy and other sources online with activists in various regions and countries.²⁴ Other examples include the Gender-Based Violence Area of Responsibility (GBVAOR) network, which brings together field and global level practitioners working in areas of emergency and humanitarian interventions.²⁵ Global campaigns have been launched by international organizations, including Amnesty International’s Stop Violence against Women Campaign (2004- 2010), which focused on women’s right to be free from violence.²⁶ In February 2013, the One Billion Rising Campaign “marked the largest global

¹⁷ UNFPA, 1994.

¹⁸ United Nations Fourth World Conference on Women, 1995.

¹⁹ United Nations General Assembly, 2006, 2007, 2008, 2009, 2010 and 2012a.

²⁰ United Nations General Assembly, 2006.

²¹ United Nations Human Rights Council, 2010, p. 1. The framework of “due diligence” covers three pillars, namely: (a) State duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation and adjudication; (b) corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved; and (c) need for greater access by victims to effective remedy, both judicial and non-judicial.

²² Ibid., pp. 1-2.

²³ See Say No – UNITE to End Violence against Women, which is available from: <http://saynotoviolence.org/>.

²⁴ UN-Women, 2013.

²⁵ Gender-Based Violence Area of Responsibility (GBVAOR) is available from: <http://www.gbvaor.net>.

²⁶ Amnesty International, 2010.

action in history to end violence against women and girls” by mobilizing female and male activists in more than 200 countries “to come together and express their outrage and to strike, dance and RISE against violence”.²⁷

Attention is also increasingly given to the role of conflict and post-conflict dynamics in contributing to and intensifying manifestations of violence. Security Council resolution 1325 of 2000 urges States parties to include women in conflict resolution and peace-building, and to protect women and girls in situations of conflict, especially from rape and sexual abuse.²⁸ In March 2007, the UN Action against Sexual Violence in Conflict was launched, bringing together 13 United Nations entities to improve the quality of programming and increase the coordination of interventions aimed at ending sexual violence during war and conflict.²⁹ Moreover, in April 2013, the Security Council held a debate on Sexual Violence in Conflict as part of the agenda on Women, Peace and Conflict; this included discussion on the gender aspects of the recently concluded Arms Trade Treaty.³⁰

There is increasing recognition that conflict and post-conflict contexts may aggravate existing manifestations of violence in the domestic sphere, and that women of all ages suffer disproportionately from violations of their human rights. Increase in tensions in the family owing to conflict and to post-conflict situations may all too often be expressed in increased domestic violence by male family members against female kin, including children and the vulnerable and elderly. Apart from the culture of silence and shame that may discourage attention being drawn to domestic violence, female family members subjected to such violence may be influenced by the community’s perception that political violence and economic crisis are more important and deserving of attention than gender-based violence.³¹ However, in the Arab region, increasing attention is being accorded not only to internally displaced persons (IDPs) and their vulnerability to violence, including domestic violence,³² but also to evidence of domestic violence within refugee communities.³³

2. Gender-based violence versus violence against women and girls

A central challenge in addressing manifestations of violence is the identification of population groups that are particularly vulnerable to violence. To achieve this, there needs to be consensus on terminology. A cursory review of key sources on this topic, however, reveals some confusion over the terms “gender-based violence” and “violence against women and girls”. In some contexts the term “gender-based violence” is used in a wider sense to encompass both vulnerable females of various age-groups and vulnerable boys and men in situations in which their gender renders them particularly vulnerable to violence.

In other sources, the terms “gender-based violence” and “violence against women and girls” are used interchangeably, thereby implying that the focus is on violence against females who are disproportionately vulnerable to abuse owing to socio-cultural perceptions of their gender roles, and who suffer from pervasive gender-based gaps.

²⁷ One Billion Rising Campaign is available from: <http://www.onebillionrising.org>.

²⁸ United Nations Security Council, 2000. See also United Nations Security Council, 2008, 2009 and 2010.

²⁹ More information on the UN Action against Sexual Violence in Conflict is available from: <http://www.stoprapienow.org/>.

³⁰ See generally Butler and Ruane, 2013.

³¹ UNHCR, 2003; and Clark, 2012.

³² See, for example, United Nations Fund for Population Activities, 2009.

³³ IRIN News, 2008. In-depth analysis of domestic violence among refugee populations in the Arab region is beyond the scope of this study and is covered by other agencies, such as UNHCR and United Nations Relief and Works Agency (UNRWA).

*Violence against women is “any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.*³⁴

Following the above definition, gender-based violence is specifically defined as violence against women and girls that arises owing to their subordinate status in society, which in turn is affected by customs and traditions that legitimize violence in both the private and public sphere, whether through loopholes in legislation, gender-blind public policies, or customs and traditions that perpetuate manifestations of such violence.³⁵

For the purpose of this study, the narrower definition of gender-based violence is the framework of analysis. Given that the focus is on female population groups that, as indicated by accessible statistical and anecdotal evidence, are particularly vulnerable to violence, and given that it is important to avoid confusion over the definition of gender-based violence, the term used in this study is “violence against women and girls”. This definition includes adult and elderly women as well as female youth and girls. Reference to “female population groups” or to “females of all age groups” incorporates women and girls of all age groups, as implied in the term “violence against women and girls”. It should also be noted that linguistic equivalent to the term “violence against women” in Arabic (transliterated approximately as *al-’unf dod al-mar’a*) is the official term predominantly used in national strategies and programmes implemented in the Arab region (see also box 3).

There has been much discussion about the term that should be used to refer to female population groups subjected to violence, whether in the public or domestic sphere. One view holds that the term “victim” should be used in order to draw attention to the manifestations of violence to which women and girls are disproportionately subjected, and which are unacceptable violations of human rights. Another view holds that women who have suffered violence should be identified as survivors rather than victims. Such a focus, it is argued, serves to promote women’s agency, freedom of movement, ability to decide on family matters on equal terms with a spouse and other male family members, ability to have an equal voice in the public sphere, and freedom from violence and from the risk of violence.³⁶

This study uses the term “female victims and/or survivors of violence”, thereby acknowledging that when a woman is subjected to violence her experiences are located along a continuum. The process starts with victimhood, when the abused person may passively accept the culture of silence and shame that inhibits her from reporting domestic violence. However, at some point there may be a shift from victimhood to survivorship. The end goal of this process is a woman’s empowerment not just to secure survival, but to take control of her own life.³⁷

3. Definition and typology of domestic violence

Investigating domestic violence requires drawing a distinction between the household and the family. For the purpose of this study, the term “household” is defined as encompassing people of all ages, male and female, who share the same physical space, whether or not they are bound by kinship ties or are sharing resources. As the focus of the study does not include non-kin members of the household, such as non-kin domestic workers, the term “family” is used, denoting males and females of all ages who are bound by

³⁴ United Nations General Assembly, 1993, p. 1.

³⁵ While ESCWA generally refers to gender-based violence in its programming and publications, UN-Women uses the term violence against women (which also covers girls) to define one of its six focus areas.

³⁶ See the World Bank, 2007; and Petrini, 2010.

³⁷ Kolisetty, 2012.

kinship ties and who share the same space and resources. It should be noted that the term “family” may include not only the marital couple and their children, but also elderly male and female kin, cousins and other relatives who share the same space and resources.

The study focuses on domestic violence in the family, based on a life-cycle perspective that incorporates various forms (see box 2). It is important to note that these manifestations of violence may overlap and be mutually reinforcing, and that they may be interlinked with violence in the public sphere.³⁸

Box 2. Forms of domestic violence

- (a) Early marriage and/or forced marriage;
- (b) Female genital mutilation (FGM);
- (c) Incest and child sexual abuse, child labour and abuse of illegitimate children;
- (d) Mental abuse, including threats to the physical safety and psychological welfare of female family members;
- (e) Physical abuse, wife battery, spousal rape and/or “honour” crimes;
- (f) Abuse of physically and/or mentally disabled females of all age groups;
- (g) Subjection of female family members to sexual harassment, including sexual violence;
- (h) Depriving girls and female youth of their right to education;
- (i) Denying female family members access to health and reproductive health services;
- (j) Non-consensual/forced sexual intercourse resulting in unwanted pregnancies and unsafe abortions;
- (k) Vulnerability to HIV/AIDS and sexually transmitted diseases (STDs) owing to sexual violence, including spousal violence;
- (l) Curtailing the freedom of mobility of female family members beyond home and immediate community;
- (m) Preventing female family members from participating in the economy and in public life;
- (n) Subjecting female family members to forced labour and to degrading work, such as prostitution;
- (o) Depriving female family members in paid employment from control over their earned income;
- (p) Depriving female family members from their share of inheritance;
- (q) Physical and mental violence against elderly women.

4. Challenges of gender-sensitive terminology³⁹

Defining violence against women and girls within the socio-cultural context of the Arab region is an on-going challenge. As is the case in some other developing regions, there is yet no equivalent term for “gender” in the Arabic language. The term in English is generally translated into Arabic as “social type” (the approximate transliteration is *al-naw’ al-ijtima’i*), which does not impart the crucial message that gender roles are socially constructed and not inherent in biology. Another example of the ways in which terms may be “lost in translation” is the fact that the English-language term “empowerment” is translated into Arabic as “enablement” (*tamkeen*), which is socially and politically less threatening in socio-cultural contexts where gender gaps and biases disadvantage women vis-à-vis men, and where suspicion of women’s empowerment is intricately linked to perceptions of and control over female sexuality.⁴⁰ A further challenge in translating

³⁸ The typology follows a life-cycle approach, starting with violence against girls. The analysis in chapter III covers various typologies insofar as information is available and/or accessible; it does not cover all manifestations of domestic violence listed in box 2.

³⁹ Sadiqi, 2012.

⁴⁰ Muna, 2010.

the English term “violence” into Arabic relates to the definitional confusion between the Arabic terms for “abuse” and “violence” (see box 3).

Box 3. Confusion between the terms for “abuse” and “violence” in Arabic

The Arabic translation for the term “violence” is *‘unf*, while the term “abuse” is translated as *isa’ah*, both of which are used interchangeably; and the existing definitions are contested. What should be kept in mind is that while abuse is an encompassing term that may not be criminalized, some manifestations of violence are included in penal and other legislation. This definitional confusion between the two terms owes to the perceptions of these terms in Arab societies, as well as the existing legal system. These perceptions are also influenced by gender stereotypes and cultural heritages that are accepting of violence and abuse and, as such, these terms become deeply value laden.

Source: Adapted from el-Awady, 2012, p. 1.

Moreover, there is no standard Arabic translation of the English term “domestic violence”, which is usually translated either as “family violence” (*al-’unf al-usari*) or as “household violence” (*al-’unf al-manzeli*). In effect, the use of these two terms in the Arabic language avoids any explicit reference to abuse and violence perpetrated specifically against adult and elderly women, female youth and girls. This may inadvertently perpetuate the culture of silence and shame that surrounds domestic violence.

Another challenge to combating violence in the domestic sphere lies in the Arabic definition of family honour, which has two separate meanings. The term *sharaf* denotes “the more general honour of a social unit or collectively as a tribe, clan, caste or family”, and is applied mainly to men, who are held responsible for the family’s good name in the community. The term *’ird* is more narrowly defined and is specifically linked to the behaviour of female family members in relation to social norms requiring female “chastity and purity”. Female family members judged to have contravened the social code of behaviour upheld by the community are deemed to have tainted the family’s *sharaf*.⁴¹

Pertinent legislation in Arab countries generally does not draw a clear distinction between violence committed by a stranger and that by a male family member against his female kin. As discussed below, while the penal code in Arab countries may criminalize extreme acts of physical violence, it does not include regulations criminalizing psychological violence or specific acts of violence, such as, for example, spousal rape.⁴²

⁴¹ Abu Jaber, 2011, p. 39.

⁴² el-Awady, 2012, p. 1.

II. SOCIO-CULTURAL DYNAMICS OF DOMESTIC VIOLENCE

A. FEMALE GENDER ROLES

The 2005 *Arab Human Development Report* that addresses the situation of Arab women highlights the complexity of factors undermining the well-being of females of all age groups in the Arab region.⁴³ Arab societies are not homogenous; nor are the material realities and discursive contexts shaping Arab women's lives homogenous. While a wide range of factors play a role in shaping the experiences of Arab women, information about these factors is not always readily available. For instance, in spite of some progress in compiling gender statistics on the region, the actual contribution by Arab women to human development is insufficiently captured in publications and sources of data. As the ranking of Arab countries on the Gender Inequality Index makes clear, the extent of women's participation in their societies is not clearly portrayed in sources of data, suggesting that Arab societies do not adequately recognize the extent of women's (often unpaid) contribution to the social, economic and political development process. This lack of visibility is echoed in another form of invisibility: as the UNDP Report also points out, violence against women and girls remains largely hidden under a "cloak of silence".⁴⁴ While increasing attention is being accorded to violence against female population groups, lifting this "cloak of silence" remains a challenge.

Among the factors underlying the reality of violence against women in the Arab region are contested discourses about gender roles. To analyse such discourses, one needs to take into account the complex dynamics that affect perceptions of the "proper role" of women, especially in countries undergoing far-reaching social, economic and political transformations. As the 2011 Gender Equality Assessments of selected Arab Countries point out, analysis of multi-layered national discourses may contribute to a better understanding of the complex dynamics underlying discourses on female gender roles in Arab societies.⁴⁵

For analytical purposes, a distinction is drawn between what may be referred to as dominant, parallel and alternative national discourses, keeping in mind overlap and blurring of lines among and between these classifications. These discourses shape the assumptions that underlie societal structures and actions. For instance, although civil society in the Arab region seeks to establish a niche among diverse national discourses, different civil society entities may draw upon different discursive foundations. Some NGOs may support addressing gender inequalities as part of their support of sustainable human development, while others may not necessarily subscribe to a human rights-based approach in dealing with gender inequalities and may in fact draw upon a discursive approach that is less progressive than that of, for example, the dominant or parallel national discourses referred to above. Moreover, some human rights organizations may be inhibited in their work by their political environments and the regulatory frameworks within which they are located, as well as by the inadequacy of institutional capacity and resources to champion effectively the cause of justice in general and women's human rights in particular.⁴⁶ All of these factors mean that the role of civil society in addressing gender inequities is neither straightforward nor simple.

Academia provides a space within which discourses on Arab women's roles and status may be explored, analysed and contested, and from which knowledge may be disseminated to a wider audience via conferences, seminars, workshops, hard-copy publications and websites. In addition, academic meetings provide a venue within which to address both discursive concepts and matters of specific concern to the well-being of Arab women, including such sector-relevant topics as education, health and reproductive health; the

⁴³ Despite the fact that the *Arab Human Development Report* was published eight years ago, its key findings regarding promoting and supporting gender equality and women's empowerment in the Arab region continue to remain relevant and valid. Moreover, the Report's handling of sensitive issues pertaining to culture and religion, while not undermining the key parameters of the human rights-based approach provide entry points for addressing domestic violence in Arab societies.

⁴⁴ UNDP, 2005, p. 10.

⁴⁵ el-Solh, 2011a, 2011b, 2011c, 2011d and 2011e; and Bazalgette, 2011a and 2011b.

⁴⁶ el-Naggar, 2011.

harmonization of legislation in line with Arab women's rights as decreed in CEDAW and other international human rights instruments; the portrayal of women in the media; gender and faith-based discourses; women in the paid and unpaid economy; and women in the political arena.⁴⁷

“To rely only on MDG measurements does not necessarily lead to the achievement of basic education for all or to the improvement of gender equality and women's empowerment in the Arab world. Arab scholars and policymakers have been consumed with writing MDG reports that are overwhelmingly filled with percentages and numbers of women's access to education, social, economic, political, and maternal health empowerment without targeting the root of the developmental problem, which lies in discriminatory laws and practices against women.”⁴⁸

Discourses on Arab women's role and status make clear a fundamental tension between societal expectations about women's roles and the realities of Arab women's lives. For instance, it is a truism that women's political and economic participation may be less contested when this participation does not interfere with societal expectations about women's reproductive roles and their responsibilities as wives, mothers and unpaid carers of family members.⁴⁹ However, discourses about the culturally-defined roles of Arab women may be at odds with the material realities of their lives. For instance, societal expectations uphold the cultural ideal of men as family heads, but generally ignore the existence of female-headed households which is an increasing trend, particularly in conflict and post-conflict countries in the Arab region.⁵⁰

The discourse on women's rights tends to be particularly contested with regard to the elimination of gender-based inequalities in legislation, especially in faith-based personal status laws, even when, as discussed below, the latter contradict other sources of legislation upholding women's rights.⁵¹ As a recent report on achieving the Millennium Development Goals (MDGs) by 2015 concludes, the Goals “have not been entirely successful in eliminating social and legal constraints and discriminatory behaviour against women in the Arab world”.⁵² At issue are not just goals pertaining to women's access to educational, economic, political and other areas of empowerment, but also the need to challenge underlying discursive assumptions regarding women's status.

Discourses on gender roles in Arab societies related to female youth are particularly contested. Overall, some progress is discernible with respect to female Arab youth's access to higher education. In some Arab countries, female students may outnumber their male peers, although this does not necessarily translate into increased freedom of movement and economic empowerment.⁵³ In other contexts, however, female youth may be deprived of educational opportunities, and may be subject to restrictions on their freedom of mobility beyond their immediate kinship circle and local community. Female youth may be expected to contribute unpaid labour to the household economy and/or may be forced into marriage. Such

⁴⁷ See Lebanese Association of Women Researchers, which is available from: <http://www.bahithat.org>.

⁴⁸ Sika, 2011, p. 40.

⁴⁹ ESCWA, 2012b, p. 25. See also el-Solh and Hijab, 2008.

⁵⁰ In Egypt, Iraq and Jordan, for example, around one in ten households are headed by females. Inter-Agency Information and Analysis Unit, 2012; and the World Bank, 2012. See also ESCWA, 2001.

⁵¹ el-Solh and others, 2013.

⁵² Sika, 2011, p. 40.

⁵³ For example, women outnumber men in higher education institutions in Kuwait, Lebanon, Palestine, Qatar, Saudi Arabia and United Arab Emirates. Davies, 2012.

situations decrease the autonomy of young women and increase their vulnerability to violence, especially domestic violence.

On the other hand, prevailing cultural norms that shape the perception of the “proper role” of female youth as dependent minors may not be questioned by young women themselves, who may accept the right of fathers, brothers and eventually husbands to control major decisions affecting their lives. To a varying extent this has been deemed linked to the spread of a more conservative “ideal model” of female gender roles in Arab society, reflected in increasing outward signs of religiosity (including dress, observance of religious rituals and sex segregation in public space) “against a background of gradual shrinking of secular liberal women’s activism”.⁵⁴ Accordingly, some discourses on female gender roles may contest the meaning of women’s empowerment and women’s agency, perceiving these to be imposed by external forces “alien to Arab culture”.⁵⁵

B. CONFLATION OF SOCIO-CULTURAL NORMS AND RELIGIOUS SCRIPTURES

As is the case with other world regions, it is generally difficult to draw a clear distinction between socio-cultural norms and religious practice. On the one hand, discourses on the roles of Arab women may be influenced by rigid interpretations of religious scriptures in which cultural norms are invoked to define women’s rights in accordance with subjective interpretation of religious scriptures. The result may be to reinforce gender-based inequalities in society, economy and the political arena in the name of cultural authenticity. On the other hand, interpretation of religious scriptures may seek to reconcile scriptures with contemporary socio-cultural norms that promote and adopt a rights-based approach to dismantling gender-based inequalities, thereby reflecting the flexibility of cultural boundaries. Either way, the conflation of socio-cultural norms with religious scriptures threatens to lead to the ossification of societal discourses in a time warp, one that largely ignores the requirements for sustainable human development of benefit to all citizens without discrimination. As the discussion below on legal frameworks reveals, such ossification may apply to all faiths practised in the Arab region.

Moreover, the conflation of socio-cultural norms and religious scriptures in ways that undermine the human rights of women and girls may contribute to at best ignoring and at worst condoning a culture of violence, whether in the public or the domestic sphere. In socio-cultural contexts where mainstream society upholds the belief that men have the right to “punish” and “discipline” female family members, domestic violence may be seen as a means of maintaining “order at home and in society at large”.⁵⁶ The United Nations Declaration on the Elimination of Violence against Women specifically warns against invoking such cultural custom or authenticity as justification for avoiding confronting the issue of violence against women.

“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.”⁵⁷

While the complex intertwining of religious scriptures with socio-cultural norms plays a role in domestic violence, this alone does not provide adequate explanation for the manifestations of domestic violence. Rather these must also be analysed in terms of the State, which has a role to play in prohibiting violence and supporting the human rights of women, from girlhood and youth to adulthood and old age, through appropriate legislation. This role by the State includes the need for due diligence in enforcing the rule of law and criminalizing impunity as an essential component of good governance.⁵⁸ When the State and

⁵⁴ Muhanna, 2011, p. 2. Keeping in mind the complexity of discourses on the veil (hijab), see also, for example, Muna, 2010.

⁵⁵ UNDP, 2005.

⁵⁶ Hajjar, 2004, p. 3.

⁵⁷ Article 3 of the United Nations Declaration on the Elimination of Violence against Women (DEVAW).

⁵⁸ Rodriguez, 2009.

its different powers of authority neglect their obligation to ensure that the human rights of all female population groups are respected, regardless of age, class and other differentiating variables, then the “patriarchal order” that perpetuates violence in the domestic sphere may continue to prevail.⁵⁹

C. VIOLENCE AGAINST WOMEN IN THE MEDIA

Another way in which socio-cultural dynamics affect the status of women in the Arab region is the representation of women in the media. Analysis of media portrayals of women makes evident the effect which perceptions of women’s social, economic and political rights have on how violence against women, especially domestic violence, is reported.

There is increasing recognition of the actual and potential role of the media sector as duty-bearer. In particular, the media sector holds accountability for disseminating evidence-based information on women’s human rights and on women’s positive contributions to the development process. The media sector’s accountability also involves countering the culture of violence that contributes to the impunity of male perpetrators of violence, especially in the domestic sphere, and holding government authorities responsible for implementing the pillar of due diligence policy.

“By making gender-based violence more visible through the media, the press forces society to acknowledge it as a problem and to place pressure on policymakers to legislate against it and, where legislation already exists, to enforce such legislation.”⁶⁰

Portrayal of gender-based violence in the media serves the important function of making the problem of violence against women visible to society. However, a recent study on media coverage in Lebanon suggested that reporting on violence against women tends to be one-sided, giving the impression that this type of violence is “a normal act and part of everyday life”; and reporting tends to focus on the victim and her status, often ignoring the perpetrator and rarely seeking additional information from security services and judiciary sources.⁶¹

Another study that focused on media coverage of violence against women in Egypt confirmed the importance of institutionalizing a rights-based approach to reporting on violence against women and girls, in particular on domestic violence. The challenge is to gender-sensitize national media staff, male and female alike, to support women’s rights in general and to combat violence against female population groups in particular.⁶² Specifically, effort should be made to encourage media reporting on domestic violence that analyses the root causes of violence rather than merely focusing on the symptoms. Such root causes and structural factors underlying violence against women may include such factors as biased legislation that disadvantages women and perpetuates gender inequalities, and that ignores the accountability of duty-bearers.

The cinema industry in the Arab world presents another facet of media portrayal of women. Most Arab films produced in the past two decades have portrayed women as victims of violence in morally compromising situations, or obsessive about controlling their families. However, there were also films that moved away from sexually discriminating portrayals, attempting instead to disseminate positive messages of

⁵⁹ Erturk, 2009, p. 59.

⁶⁰ Makombe, 2009, p. 12.

⁶¹ Lebanese Council to Resist Violence against Women, 2011, p. 14.

⁶² Rahbani, 2010.

a younger generation of Arab women who seek “freedom and self-assertion in order to realize their full human potential without being diminished or demeaned.”⁶³

Social media has increasingly gained popularity among the Arab public. It played a significant role in mobilizing individuals during the Arab uprisings and has been used as a means of organizing demonstrations (whether pro- or anti-government), disseminating news about developments in public space and raising awareness beyond country boundaries. This information has in turn been disseminated via global media channels.

Through its crucial role as a communication tool, social media provides the opportunity to all individuals to override restrictions on their right to freedom of expression. More specifically, social media holds the potential to help women to overcome their situational contexts in cases where their freedom of movement and physical mobility are subjected to limitations resulting from cultural expectations about female societal gender roles. Social media has succeeded to a certain extent in mobilizing society on issues relevant to Arab women’s empowerment. It provides a much-needed platform from which to articulate the concerns of women and girls. Examples of social media platforms include the Harassmap website against sexual harassment in public space launched in Egypt;⁶⁴ the Women2Drive website launched in Saudi Arabia; blogs by women in Lebanon that signal their refusal to passively accept sexual harassment in the street;⁶⁵ and the Women’s Intifada in the Arab World blog, which provides “free secular space for constructive dialogue on women’s rights in the Arab world”.⁶⁶

D. ARAB WOMEN AND THE ARAB UPRISINGS

Overall, there is a consensus in the region that Arab women played a significant role in the Arab uprisings. The euphoria of the early days of the uprising in 2011 witnessed women and men, young and old, from diverse socio-economic backgrounds, political affiliations and faiths uniting in public space and via social media to call for social justice and an end to governments that ignored their problems and curtailed their freedom of expression. The participation of women from all walks of life in peaceful street demonstrations, where their security was safeguarded by their male peers, made headlines in print and audio-visual media channels in the Arab region and beyond.

“The sky over the Arab Spring was indisputably held up by both men and women alike, across all faiths, ages and income groups... historians, who have in general failed to reflect women’s roles in all past world events, can no longer miss the extensive body of evidence sent through citizen’s journalism and social networks that provide strong testimony of women’s contributions in the Arab upheavals.”⁶⁷

Active female participation in the uprisings served to question conventional female stereotypes, shattering the image of Arab women as secluded and submissive beings. The increased visibility of Arab female youth in particular is reflected in formal and informal networks and active participation in public forums.

⁶³ Ibid., p. 12. See also Shafik, 2007; and Saqr, 2008.

⁶⁴ Harassmap is available from: <http://www.harassmap.org>.

⁶⁵ Kobeisi, 2011.

⁶⁶ Women’s Intifada in the Arab World is available from: <http://www.uprisingofwomenintheArabWorld.en>.

⁶⁷ Woodrow Wilson Centre, Middle East Programme, 2012a, p.16; and 2012b.

Current political and social dynamics surfacing in the Arab region, affecting not only the countries that have experienced uprisings (Egypt, Libya, Tunisia and Yemen), but also other parts of the region, with far-reaching implications for how national discourses on male and female gender role models are evolving.

The ripple effect of the uprisings has come to be characterized by intensification of the polarization of the discourse on “proper” female gender roles and status in Arab societies. Essentially this is pitching an increasingly conservative, faith-based social trend against human rights activists – male and female alike – who are questioning the status quo that permits violence against female youth and female adults in public space.⁶⁸

“Women are experiencing physical violence against their persons in the form of rape, beatings, arrests, prison, and torture. There is more. Women political activists are subjected to virginity tests. Little girls are forced into marriage. Under the threat of physical punishment, women are told what to wear and how to behave in public. Women face a creeping segregation; they are being pushed out of the political arena and the workplace.”⁶⁹

More specifically, the euphoria that was discernible in the Arab street during 2011 has since given way to conflicting views of what the Arab uprisings have or have not achieved, specifically in terms of institutionalizing a democratic process.⁷⁰ Either way, the emerging consensus is that Arab women in post-uprising countries are in many areas losing out – or at risk of losing out – in terms of their socio-economic and political rights, keeping in mind that men also may be losing out in respect of their political rights and freedom of speech.⁷¹

“There are other danger signs. Progressive personal status laws in the countries of the Arab Spring are under threat. In Egypt, there was a move to lower the marriage age for girls to nine and to permit female genital mutilation. In Egypt, Libya, and Tunisia, there is talk of permitting polygamy once again.”⁷²

⁶⁸ el-Dabh, 2013.

⁶⁹ Woodrow Wilson Centre, Middle East Programme, 2013, pp. 1-2.

⁷⁰ Woodrow Wilson Centre, Middle East Programme, 2012b.

⁷¹ Foundation for the Future, 2012.

⁷² Woodrow Wilson Centre, Middle East Programme, 2013, pp. 1-2.

III. VIOLENCE AGAINST WOMEN AND GIRLS: CONTEXT AND REALITY

A. INTERNATIONAL AND REGIONAL LEGAL OBLIGATIONS

Violence against women is a gross violation of the rights of girls and women. It prevents women and girls from living a life free from harm; compromises their dignity, security and autonomy; and contributes to grave health consequences. Numerous international and regional treaties and conventions recognize violence as a fundamental violation of girls' and women's rights. These treaties include the International Covenant on Political and Civil Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), CEDAW and the Convention on the Rights of the Child (CRC). While most Arab countries have ratified these conventions, they have not fully incorporated the provisions of these conventions into their national legislations, as shown below. For the purposes of this study, only CEDAW, CRC, the Arab Charter of Human Rights and the African Charter on Human and People's Rights will be examined, given that they deal extensively with the rights of women and children.

With the exception of the Sudan, all the countries in the Arab region have ratified CEDAW.⁷³ In the case of Palestine, CEDAW was unilaterally endorsed through a presidential decree in 2009.⁷⁴ With its current recognition as a non-member observer State, Palestine can now accede to this human rights instrument.⁷⁵ However, the majority of Arab countries have raised reservations to certain CEDAW articles that call for equal rights for women and men. Most countries include the caveat that ratification must not contradict Islamic sharia norms or principles. However, Morocco recently withdrew its reservations to CEDAW.⁷⁶

Most Arab countries have ratified ICCPR and the ICESCR. While a few countries have raised reservations to articles relevant to promoting women's rights, here too there is the caveat that articles must not contradict Islamic law and norms.⁷⁷ All the Arab countries covered in this study have ratified the Convention on the Rights of the Child (CRC), although some countries have raised reservations regarding various articles. Here, too, most countries indicate that CRC articles that contravene Islamic law and norms will not be complied with.⁷⁸

CEDAW sets out the obligation of States to eliminate discrimination, including discrimination by private actors. Various interpretations of this treaty define violence against women as a form of discrimination. CEDAW requires States to take "all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women".⁷⁹

CEDAW and other human rights treaties also require State accountability for abuses committed by private actors.⁸⁰ In its General Recommendation No. 19, the CEDAW Committee identified key steps necessary to combat violence against women, including effective legal measures against violence, such as penal sanctions and civil remedies; preventive measures, including public information and education

⁷³ More information on the current status of CEDAW is available from: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

⁷⁴ Palestinian Authority Presidential Decree No. 19 of 2009.

⁷⁵ United Nations General Assembly, 2012b.

⁷⁶ More information on the current declarations, reservations and objections to CEDAW are available from: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

⁷⁷ More information on the current declarations, reservations and objections to ICCPR, ICESCR are available from: <http://treaties.un.org>.

⁷⁸ More information on the current status of CRC is available from: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

⁷⁹ CEDAW, Article 2(f).

⁸⁰ CEDAW, Article 5(a).

programmes aimed at changing attitudes about the roles and status of men and women; and protective measures, including the provision of shelters, counselling and other support services.⁸¹

CRC guarantees protection against violence for persons under 18 and states that children must be protected from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse”. Moreover, CRC ensures that victims of such acts receive legal and psycho-social redress.⁸² The Committee on the Rights of the Child recognises that exposure to domestic violence is indeed a form of psychological violence for the child.⁸³

At the regional level, Arab countries have reaffirmed their international commitment to combating violence through a collective framework that corresponds to regional specificities. To date, 10 Arab countries have acceded to the Arab Charter on Human Rights, which was promulgated in 1994, revised in 2004 and entered into force in 2008.⁸⁴ The Arab Charter explicitly states that governments and societies shall ensure the protection and prohibition of all forms of violence and abuse within the family and especially violence perpetrated against women and children. Article 33 of the Charter notes that “States parties shall take all necessary legislative, administrative, and judicial measures to guarantee the protection, survival, development and well-being of the child in an atmosphere of freedom and dignity”.⁸⁵

Algeria, Egypt, Libya, the Sudan and Tunisia have ratified the 1986 African Charter on Human and People’s Rights, which stipulates that States shall eliminate all forms of discrimination against women and ensure the protection of the rights of women and children. While violence against women is not specified explicitly, such violence should be understood as a form of discrimination against women and girls resulting from their subordinate status in society.⁸⁶ The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, also known as the Maputo Protocol, contains specific provisions on discrimination and violence against women. The Protocol urges States parties to combat all forms of discrimination against women through appropriate legislative and institutional measures.⁸⁷ The Protocol also calls on States to adopt and implement appropriate measures to protect women’s rights to be free from all forms of violence, and urges States to enact and enforce laws to prohibit forms of violence against women in both the private and public spheres.⁸⁸ Additionally, article 5 calls on States to prohibit and condemn harmful traditional practices that negatively affect women’s rights and that are contrary to recognized international standards.⁸⁹

B. NATIONAL LEGAL FRAMEWORKS

1. *Legal pluralism: contradictions and omissions*

(a) *Constitution and basic law*

Various Arab constitutions or basic laws contain articles that explicitly refer to State responsibility to protect citizens from harm. In addition, some mention violence, though this is generally couched in gender-

⁸¹ CEDAW Committee, 1992, p. 84.

⁸² CRC, Article 19.

⁸³ Committee on the Rights of the Child, 2011, p. 9.

⁸⁴ The 10 countries are as follows: Algeria, Bahrain, Jordan, Libya, Palestine, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen

⁸⁵ League of Arab States, 2008.

⁸⁶ Organization of African Unity, 1981, Article 18. Algeria, Egypt, Libya, Sudan, and Tunisia ratified the 1986 African Charter or Banjul Charter.

⁸⁷ Organization of African Unity, 2000, Article 2. In the Arab region, Libya is the only country that has both signed and ratified the Optional Protocol. Algeria signed in 2003; and Egypt, Sudan and Tunisia have not signed or ratified the treaty.

⁸⁸ *Ibid.*, Articles 3 and 4.

⁸⁹ *Ibid.*, Article 5.

neutral language that camouflages an inherent gender bias against females. No clear distinction is drawn between public and private spheres, however, pointing to the challenge of interpreting this source of legislation.

The Constitution of Algeria, for example, prohibits discrimination on the basis of sex. The amended 2011 Moroccan Constitution explicitly refers to equal rights for both women and men, and prohibits violation of physical and moral integrity under any circumstances either by the State or private individual. In Tunisia, the draft constitution of 2013, which has not been promulgated yet, confirms that all citizens, men and women, are equal before the law, and that the State guarantees the elimination of all forms of violence against women and girls.⁹⁰

However, the unequal status of women in the Arab region owes largely to discriminatory legislation in personal status laws, criminal codes, labour regulations and other policies. These laws officially designate a subordinate status for women in society, a status that undermines the ability of the law to confront violence against women.

(b) *Penal legislation*

Overall, penal law in Arab countries tends to blur the distinction between violence in the public and private spheres. It may fail to include specific types of violence or may provide separate regulations on violence against women. In some cases there is an overlap between penal legislation and faith-based personal status law; this overlap has implications for judicial authorities' responsibility and accountability for dealing with violence against female population groups.

Many Arab countries do not explicitly cover domestic violence in their penal code. Exceptions are Jordan, which passed the 1980 Family Protection Law; and Tunisia, where domestic violence is classified as a criminal offence. In Palestine, a draft law against family violence was submitted to the Cabinet in 2012. In Libya, while penal law currently in force prohibits a husband's mental or physical abuse of his wife, the judiciary tends to perceive domestic violence as an internal family affair. Some countries, such as Kuwait, include the wife's protection from violence by her husband in their personal status codes.⁹¹ Penal regulations in Bahrain, Oman and Qatar fail to refer to domestic violence; however, it should be noted that sharia explicitly prohibits a husband from carrying out mental or physical violence against his wife.

Even when penal legislation is in place, there are impediments to implementing the rule of law. For example, in Jordan, the court requires two witnesses in order to rule in the case of wife battery. In some countries, such as Bahrain, the court does not accept testimony of relatives in cases of domestic violence or it may accept testimony of only one female witness.⁹² Iraq's amended penal law permits husbands to punish their wives. In the United Arab Emirates, penal law decrees the male guardian's right to use physical violence against female kin, including wives. In Egypt the judiciary may consider domestic violence by males against females to be in accordance with sharia.⁹³

In all Arab countries, rape is a criminal offence. However, in Algeria, Bahrain, Jordan, Lebanon, Libya, Morocco, Palestine, the Sudan and the Syrian Arab Republic, the male rapist escapes punishment if he marries the victim. Penal regulations in Egypt, Kuwait, Qatar and the United Arab Emirates do not include explicit leniency clauses for rapists, which in the case of the United Arab Emirates may include the death penalty.

⁹⁰ More information (in Arabic) is available from: http://www.anc.tn/site/main/AR/docs/constitution/projet_constitution.jsp.

⁹¹ See various articles in the Kuwait Personal Status Code (amended 2011).

⁹² al-Maaitah and others, 2011, p. 102.

⁹³ Human Rights Watch, 2004.

Apart from Tunisia, no Arab country explicitly refers to spousal rape as a criminal offence, which constitutes a lapse that indirectly encourages the impunity of perpetrators. The penal code in Algeria prohibits inter-generational violence in the family, but not spousal rape. In some cases, such as Bahrain, Jordan, Kuwait and Qatar, family law prohibits physical violence against the wife, but the pertinent regulations do not explicitly refer to spousal rape. In Lebanon, penal regulations exclude spousal rape as a criminal offence. Campaigns to criminalize spousal rape reveal the difficulty of achieving consensus on its definition.⁹⁴ Overall, law-enforcement institutions tend to focus on solving the problem of domestic violence in terms of “preserving the family” rather than addressing the criminal aspects of such violence.

Regarding so-called “honour crimes”, with the exception of Tunisia, where such crimes are a criminal offence that may entail the death penalty, penal regulations in Arab countries generally include leniency clauses.⁹⁵ Lebanon and Palestine abolished the penal clause permitting mitigating circumstances for perpetrators of so-called honour crimes in 2011. However, legal loopholes for male perpetrators of domestic violence are still discernible. Perpetrators may receive minimal sentences in cases where female relatives are deemed to have contravened the moral code (as in the case of unmarried women involved in sexual relations that are deemed illicit). In a few countries, recent reports suggest that women may be harassed, assaulted and even murdered under the guise of “honour” by male family members whose goal is to appropriate the female relative’s inheritance.⁹⁶ While some countries, such as Iraq, Jordan and the Syrian Arab Republic, have increased the prison sentence for the so-called honour crimes, punishment of the perpetrators remains well below the penalty meted out for murder. Since 2003, women in Morocco who commit what the judge decrees as a so-called honour crime may receive a lenient sentence. However, penal regulations in the United Arab Emirates decree prison sentences for both male and female perpetrators of so-called honour crimes.

In general, Arab penal legislation treats a wife’s adultery more harshly than a husband’s. Frequently, an adulterous husband is only liable for punishment if the act takes place in the marital home, whereas women’s adultery is penalized no matter where it takes place. In some Arab countries, such as the Sudan, the distinction between rape and adultery tends to be blurred.⁹⁷ Activists in the Sudan have campaigned to reform Article 149 of the Penal Code, under which raped women who do not have witnesses to the assault are themselves subjected to penal regulations.⁹⁸ Efforts on the part of religious scholars to draw a clear distinction between rape and adultery have not received widespread attention.

(c) *Personal status law*

Women face discrimination in matters dealing with marriage, divorce, guardianship and custody, and inheritance. These forms of inequalities severely marginalize women and girls, curtail their equal opportunities to education and employment, restrict their access to healthcare and make it difficult for women to seek judicial remedies when their rights are violated.

With the exception of Saudi Arabia, all Arab countries have codified personal status laws; and separate laws are in place in countries with non-Muslim citizens. During the 2000s, Bahrain, Qatar and the United Arab Emirates codified their personal status laws, although in the case of Bahrain this currently only applies to Sunni Muslims. Jordan’s 2010 draft law (amending the 1976 Personal Status Law) has to-date been rejected by Parliament. Palestine applies the Jordanian Personal Status Law in the West Bank, and Egyptian Law in the Gaza Strip.

⁹⁴ Slemrod, 2011.

⁹⁵ Welchman, 2013.

⁹⁶ Middle East Online, 2008. The United Nations has reported on similar crimes in India, Morocco, Pakistan and Turkey.

⁹⁷ Abbas, 2010. The penal law in Sudan states that a woman needs four witnesses to prove rape, failing which she is criminalized as an adulteress.

⁹⁸ Women Living Under Muslim Laws, 2010; and Khartoum Centre for Human Rights and Environmental Development, 2008.

(i) *Marriage*

a. *Head of household and obedience*

Many personal status laws recognize the husband as the head of the household, which is an approach that undercuts the equality of men and women within the family. A majority of these laws still include an obedience clause that grants the husband the right to discipline both his wife and his children. Additionally, these laws also perceive the wife's "duty" to be to obey her husband, a fact that further obscures the issue of marital rape.

b. *Early and forced marriage*

Most personal status laws still allow for persons to be married before they are 18 years old.⁹⁹ Some laws set even lower ages for marriage, at nine years or puberty for girls, and 13 years for boys. Adult women may also be forced into marriage without their consent. These are common practices in many rural areas.

c. *Unregistered marriages*

There are indications that unofficial marriage is on the increase in various Arab countries, with adverse implications for women's welfare and a corresponding increase in female vulnerability to domestic violence. Such unofficial marriages include the practices of *'urfi* and *misyar* marriage among Sunni Muslims;¹⁰⁰ and among Shia Muslims, *mut'a* (temporary) marriage is a long-established practice.

In Egypt, *'urfi* marriage may be conducted by a Muslim cleric in front of two witnesses. However, such marriages are not registered in court. The law gives only limited rights to women in an *urfi* marriage, a fact that has implications for the legitimacy and financial support of the children of such unions.¹⁰¹

Misyar marriage, which is mainly prevalent in the Gulf subregion and also practised in Egypt, involves a marriage contract registered in court in which the woman renounces all her sharia-based rights (see box 4). Essentially this form of marriage is perceived to be "for sexual relations in a permissible and *halal* (socially acceptable) manner".¹⁰² While children from a *misyar* union are legitimate, they are not entitled to financial support.¹⁰³ Women may not be protected from domestic violence.

Box 4. *'Urfi* and *misyar* marriages

On the whole, women in unofficial (*'urfi*) marriages are at a significant disadvantage when securing their rights and can be subject to many forms of violence from which they have little legal recourse.

Misyar marriage "skirts around strict Islamic rules on extramarital sexual relationships and relieves men of almost all responsibility for their wives' [thus] destroying the fundamentals of the family at the expense of the legal wife".

Sources: Egypt, National Council for Women, and USAID, 2009; and Fakih, 2006.

⁹⁹ The Convention on the Rights of the Child defines a child as any person under the age of 18. (Article 1)

¹⁰⁰ *'Urfi* refers to customary unregistered marriage; *misyar* is the colloquial term for visitor, also referred to as marriage with no strings attached.

¹⁰¹ Knell, 2010.

¹⁰² Fakih, 2006.

¹⁰³ Muna, 2010.

Mut'a marriage in Shia Islam involves a marriage with a contract that specifies the duration of the union; the marriage expires at the agreed upon date, making divorce proceedings unnecessary. The wife in a *mut'a* marriage has some of the rights usually included in a conventional marriage contract, and the husband is legally obliged to provide financial support to any children from such a union. However, if the *mut'a* contract is not registered, the wife may be unable to secure any rights through the court; nor is she protected against domestic violence.¹⁰⁴

In some countries, notably Egypt, Iraq, Jordan, Lebanon, Palestine and Syrian Arab Republic, sharia-based inheritance law also applies to Christian women. In these countries, males are entitled to double the female share of inheritance.¹⁰⁵ Calls for reforming the existing personal status codes (or at least its applications to Christians) remain controversial.¹⁰⁶

(ii) *Divorce and child custody*

In analysing domestic violence in Arab societies, it is instructive to review the link with divorce regulations. In most Arab countries, Muslim women can petition for a judicial divorce in court if they can prove specific grounds for divorce, as cited in the personal status law and in their marriage contract.¹⁰⁷ However, few Arab countries explicitly include mental or physical abuse as legitimate reasons for a Muslim wife to file for judicial divorce. Either way, women may be constrained in accessing the justice system to obtain a divorce.

Even where a wife's right to petition for divorce on the basis of violence is explicitly included in pertinent personal status or penal regulations, the abused wife is required to produce proof of, and witnesses to, the reported violence. The exception is Tunisia, where injury to the wife is recognized as grounds for divorce. The abused wife may be awarded compensation; moreover, the wife's rights are further reinforced by the amendment in the Personal Status Law stating that a wife does not owe obedience to her husband.

In Saudi Arabia, women cannot themselves petition the court for a judicial divorce, even if they can prove one or more legally valid reasons; they must be represented by a male guardian. Some Arab countries, such as the Sudan, do not require the husband to appear in court to confirm his pronouncement of *talaq* (a husband's unilateral repudiation of the wife, stated three times). Other countries have tightened the process in terms of requiring registration of *talaq* or its pronouncement in court, including, for example, Libya; or of providing proof through witnesses, such as in Qatar. By contrast, in Morocco, *talaq* has been abolished, and the husband must go to court to petition for divorce, which must be granted by a judge for it to be legally valid.

In effect, *khul'* divorce – the right of a woman to seek a divorce disclaiming all her rights and entitlements – is sometimes the only means by which a Muslim wife can escape an abusive husband.¹⁰⁸ In such a case, however, she forfeits all her rights granted in the marriage contract. With the exception of the Sudan, all Arab countries permit *khul'*, though there are calls to abolish it in the Jordan 2010 Draft Personal Status Law. In some cases, the wife does not have to present any specific reason for seeking divorce (as in Egypt), and does not lose legal custody of her children (as in Bahrain). In other cases she is required to go through a conciliation process before the judge rules on *khul'* (as in Qatar).

¹⁰⁴ Zainah and Mir-Husseini, 2012.

¹⁰⁵ See, for example, Tadros, 2010; and Trudel, 2009.

¹⁰⁶ Ahrām Online, 2012.

¹⁰⁷ Specific grounds for divorce can include a husband's neglect to maintain his wife financially, impotence, debilitating disease, refusal to have sexual relations with his wife, imprisonment, abandonment and/or disappearance without a valid reason.

¹⁰⁸ The term *khul'* may be translated as to “discard” or to “release”, and is part of Islamic jurisprudence. In such divorces, women forfeit all their rights cited in the marriage contract. However, they are subject to ‘*iddah*’ (a legally decreed waiting period following divorce). For more information, see, for example, IslamQA, which is available from: <http://www.islamqa.info/en/ref>.

Even where access to the justice system is not subject to insurmountable constraints, an overall culture of shame, the risk of social ostracism, lack of family support and poverty or lack of income may deter abused wives from instigating a judicial divorce.

Among Christian communities in the Arab region, divorce is generally prohibited, except in the case of adultery (as in Egypt and Palestine), or if one of the spouses converts to another religion.¹⁰⁹ In some Christian denominations that permit divorce, husbands have more leeway while wives have to prove their reasons for petitioning for divorce (as in Jordan and Lebanon). Few Christian denominations in the Arab region recognize a husband's violence towards his wife as reason for divorce.

2. State protection of girls and women

Parallel to the legislative frameworks discussed above, various Arab countries have developed laws and regulations for the protection of specific population groups, including children, youth and the elderly. By contrast, there are no such laws that specifically target female adults as a separate and clearly identified population group.

(a) Children and youth

While some Arab countries have separate child protection laws, relevant legislation tends to be scattered throughout different sources, including the constitution or basic law, personal status regulations, civil and criminal codes, nationality law, education acts, health and safety regulations, labour laws and disability regulations. Some constitutions or basic laws include explicit reference to child protection as part of protecting the family, though pertinent articles are generally couched in gender-neutral language, as in the case of Bahrain, Iraq, Kuwait, Libya, Qatar, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen. Palestine's Basic Law includes a relatively detailed article on the rights of the child (Article 29); however, it too is couched in gender-neutral language and there is no explicit mention of domestic violence.¹¹⁰

Seven Arab countries have separate child protection laws, namely: Bahrain (2012), Egypt (1996, amended in 2008), Libya (2006), Morocco (2006), Palestine (2013), the Sudan (2010) and Yemen (2002, amended in 2004). However, even when child protection legislation has been enacted, there may be loopholes impeding effective implementation.¹¹¹

A major challenge to child protection in Arab countries is the definition of the "child" in terms of age. According to CRC, the term "child" pertains to children up to 18 years of age, with juveniles further defined as constituting the age group 14-18 years. This definition may not be legally upheld in Arab legislations that permit, for example, early marriage. The majority of Arab countries permit marriage of girls under the age of 18.¹¹²

In pertinent international human rights instruments, female genital mutilation (FGM) is referred to as a type of child abuse in the domestic sphere.¹¹³ In its General Recommendation No. 14, the CEDAW Committee recognises FGM as a human rights violation and asserts the State's responsibility to take appropriate and effective measures to eradicate this harmful practice. In Egypt, while FGM was prohibited

¹⁰⁹ Such conversions may be a consequence of domestic violence or may even be the reason for such violence.

¹¹⁰ More information on the Palestinian Basic Law is available from: <http://www.palestinianbasiclaw.org/basic-law/2002-basic-law>.

¹¹¹ See, for example, Sister's Arab Forum for Human Rights, 2007; and Child Rights Information Network, 2012a and 2012b.

¹¹² ESCWA, 2011b.

¹¹³ World Health Organization, 2008.

by the Child Law of 2008, it remains a serious problem, as demographic health surveys reveal. There are reports that, in the wake of the popular uprising in that country, ultra conservative Islamist groups are calling for abolishing the penal regulation prohibiting FGM.¹¹⁴

Discussion of sexual violence against children remains culturally sensitive in Arab societies, despite the fact that such violence is a reality. In its 2011 report, the Algerian Network for the Defence of Children points out that “violence and sexual abuse against children in Algeria are defined very vaguely in the Algerian penal code”.¹¹⁵ Such vagueness functions as an avoidance mechanism. The issue of sexual violence against children is dealt with more directly and openly in medical journals, but these too may stop short of addressing the required protocols and regulations to combat such abuse.¹¹⁶

“The notion that child sexual abuse and neglect are rare in Arab countries is a myth that can no longer withstand the strength of evidence.”¹¹⁷

Children, who are born out of wedlock, seem to face particular challenges. Information about the links between domestic violence and children born out of wedlock is sparse; so too is information about the links between out-of-wedlock births and the phenomenon of street children. Arab countries do not legally recognize the rights of children born out of wedlock, and such children are not usually granted a birth certificate. A few Arab countries, however, have established the right of children to a birth certificate, even when born out of wedlock.

In Morocco, the reformed Family Code calls for DNA testing to establish paternity; however, pertinent regulations leave “large margins of discretion and uncertainties that have to be filled by legal interpretation and practice”.¹¹⁸ In Egypt, the Child Law establishes the right of children born out of wedlock to a birth certificate. The rising number of paternity suits filed in court is in many cases linked to ‘*urfi* marriage.¹¹⁹ In Oman, while illegitimacy is not addressed directly, it is linked to criminal legislation that decrees the liability of both parents for the child’s welfare. Omani citizenship is granted to a child born out of wedlock to an Omani woman and an unknown father.¹²⁰ By contrast, in Yemen, the Child Rights Law is silent on children born out of wedlock; these children therefore cannot obtain a birth certificate.¹²¹ In Tunisia, the rights of children born out of wedlock are protected by a 1998 regulation, which states that a child whose father is unknown shall bear the mother’s surname and have the right to Tunisian citizenship and that, where paternity is established, the father must give the child his surname and provide financial support.¹²²

Among the major challenges summarized in a related report by the United Nations Children’s Fund (UNICEF) on Egypt is the “dearth of national data on child abuse and neglect” that frustrates the “attempts to measure the extent of the problem or to compare the situation to other countries with a similar

¹¹⁴ Bulletin of the Oppression of Women, 2012.

¹¹⁵ Algerian Network for Defence of Children, 2011, pp. 7 and 18.

¹¹⁶ Al-Mahroos and al-Amer, 2011.

¹¹⁷ Al-Madani and others, 2012, pp. 1 and 4.

¹¹⁸ Kreutzberger, 2009.

¹¹⁹ Ahram Online, 2007.

¹²⁰ Committee on the Elimination of All Forms of Racial Discrimination, 2006.

¹²¹ Sister’s Arab Forum for Human Rights, 2007.

¹²² United Nations High Commissioner for Refugees, 2011. However, voices have been raised in post-uprising Tunisia to repeal such legislation. See, for example, al-Hilali, 2011.

background”.¹²³ Studies and surveys also reveal other challenges to the rights of children guaranteed by CRC, including corporal punishment and verbal abuse at home.¹²⁴

As indicated above, CRC defines juveniles as children aged 14-18 who should technically be covered by child-protection legislation. Some countries, including Jordan, Morocco, Palestine and Oman, have launched efforts to reform the juvenile justice system by strengthening the legislative and institutional capacity of juvenile courts. In Morocco, for example, juveniles arrested by the police are referred to child-protection centres. In Oman, the 2008 Law on Juvenile Accountability aims to protect juveniles entangled with the law. However, as is generally the case in other Arab countries, law-enforcement staff and health and education personnel are not trained to deal with domestic violence to which juveniles may be subjected; they particularly lack training in how to deal with sexual abuse.¹²⁵

(b) *Female adults*

As indicated above, female adults are not covered by separate laws, unlike children and, at least in part, youth and the elderly.¹²⁶ Rather, information on female adults as a group and their particular vulnerability to violence may be gleaned from the legislation frameworks discussed in the sections above, particularly on personal status laws; or from national strategies and accessible statistical information discussed in sections below. Some information may be gleaned from accessible information presented in studies and surveys, as well as from projects implemented by government authorities and the NGO sector.¹²⁷ This information essentially reflects the limitations, if not the outright failure, of the State to protect female adults from violence, including domestic violence.

For example, in Algeria, the network Balsam, which supports female victims and/or survivors of violence, carried out a survey in 2008 revealing the prevalence of violence against female population groups, in particular adult women in the domestic sphere.¹²⁸ In Iraq, various NGOs have carried out studies and surveys on violence against women, albeit not systematically and with limited national coverage.¹²⁹ Similarly, information on violence against women and girls in Jordan, and in particular on domestic violence, is based on sample surveys that do not facilitate comparison; as a result, the ability to establish patterns and trends over time is hindered.¹³⁰

More comprehensive information on violence against female population groups, including on domestic violence, is presented in the national study in Morocco, which shows that of some 9.5 million Moroccan women aged 18-64, nearly 6 million have experienced at least one form of violence, with 55 per cent reporting abuse in the marital home.¹³¹ The 2006 survey on domestic violence in Palestine revealed

¹²³ UNICEF (n.d). Universal Periodic Review – Human Rights Council: UNICEF Inputs – Egypt, pp. 3-4. This report is deemed applicable to much of the Arab region.

¹²⁴ Ibid.

¹²⁵ Jordan, Higher Council of Youth, 2005; American Bar Association, 2012; and Child Rights International Network, 2011.

¹²⁶ In this analysis, female adults are defined as being in the age group 24+ to 60 years. However, it should be kept in mind that married females in the age group 18+ to 24 and who are referred to as female youth may also fall under this category. While there is no standard United Nations definition of the elderly population group, there is some consensus that it refers to the 60+ age group, although retirement age is also a consideration. World Health Organization. Definition of an older or elderly person. Available from: <http://www.who.int/healthinfo/survey/ageingdefnolder/en/>.

¹²⁷ See also Hamdan, 2008; and Clark and Khawaja, 2010.

¹²⁸ Balsam, 2010, pp. 23-26.

¹²⁹ See, for example, UN-Women, 2010; and Gregoire-Blais, 2010, p. 15.

¹³⁰ United Nations in Jordan, 2009.

¹³¹ Morocco, 2011.

psychological, physical and sexual violence against ever married as well as never married women, with evidence pointing to such violence perpetrated largely in the domestic sphere.¹³² This trend was equally noted in the follow-up survey of 2012.¹³³ In Tunisia, the 2010 national survey of a sample of women aged 18-64 years revealed that around 47 per cent had experienced violence, with intimate male partners representing the main perpetrators of both physical and sexual violence.¹³⁴

The first-ever comprehensive field study of violence against women in the Syrian Arab Republic was sanctioned by the Government and implemented in 2005 in urban and rural areas across 14 governorates. The results, disseminated in 2006 through public workshops and media campaigns, indicate that around 50 per cent of female respondents had been subjected to spousal physical abuse.¹³⁵ Similarly, studies in Egypt reveal that spousal violence is widespread, with, for example, half of the female respondents in a sample study reporting physical violence by their husbands.¹³⁶

The subject of women's economic disempowerment has generally been addressed as part of programmes and projects that aim to support the economic empowerment of Arab women. These interventions have typically not addressed the link with economic violence against, and abuse of, female members in the family, defined in terms of deprivation from participation in the economy and in public life; prevention from accessing paid employment and from having control over their earned income and their inheritance; and subjection to forced labour and degrading work, such as prostitution.

Studies that seek to identify the factors constraining Arab women's access to the labour market reveal that various legislations and regulations may constrain their access to the economy and to paid employment, and may have implications for women's vulnerability to economic violence and abuse. These laws and regulations are dispersed among various legal sources, may overlap and are more often than not contradictory (see box 5).

Box 5. Laws and regulations governing access of Arab women to the labour market

- (a) Personal status laws: Minimum age and consent at marriage; divorce; custody and guardianship of children; wife's economic entitlements during marriage linked to residing in the marital home; economic entitlement in case of divorce; gender-specific family responsibilities; restrictions on freedom of movement; obligation to secure guardian's or husband's consent before travel and before accepting paid employment;
- (b) Labour laws: Equal pay; non-discrimination in employment; non-employment in night work and hazardous work; maternal leave;
- (c) Social security regulations: Retirement age; entitlement to the spouse's pension; non-discrimination in benefits and allowances; entitlement to safety net provisions.¹³⁷

Sources: Hijab and el-Solh, 2003; and el-Solh and Hijab, 2008.

¹³² Chaban, 2011. See also Haj-Yehia, 1998 and 2000.

¹³³ Palestinian National Authority, Central Bureau of Statistics, 2006.

¹³⁴ Tunisia, 2010.

¹³⁵ Syrian Arab Republic, Commission for Family Affairs, and United Nations Population Fund, 2006.

¹³⁶ Kharboush and others, 2010.

¹³⁷ Hijab and el-Solh, 2003; and el-Solh and Hijab, 2008.

(c) *Elderly women*

Most constitutions and basic laws in the Arab region do not include ageing as a criterion for prohibiting discrimination, nor is the age group that constitutes the elderly population defined.¹³⁸ Some national laws, including in Algeria, mention that “no discrimination shall prevail because of personal or social condition or circumstance”, which may be interpreted to include the elderly and the disabled.¹³⁹ The Constitutions of Kuwait, Libya, Qatar, Saudi Arabia and United Arab Emirates have separate articles on elderly citizens, or include reference to this age group in articles referring to support of the family; however, there is no specific reference to the abuse of elderly women.

In some countries, legislation covering the elderly population has been enacted; see, for example, the laws to protect the elderly in Tunisia (1994) and Algeria (2010);¹⁴⁰ and, in Qatar, Emiri Decision No. 15 of 2009 covering this population group.¹⁴¹ However, as is also the case in Palestine, no gender-based differentiation is spelled out in laws covering the elderly.¹⁴² In some cases, such as Jordan, reference to the female elderly is included in national strategy plans for women’s development.¹⁴³

C. POLICIES AND STRATEGIES TO COMBAT DOMESTIC VIOLENCE

1. *State stakeholders: responsibility as duty-bearers*

The State bears the primary responsibility for ensuring that violence against women is responded to in line with obligations cited in international conventions and agreements. The State also bears responsibility for exercising due diligence in such responses, including development of adequate legal frameworks, strategies, policies and services to prevent and respond to violence against women.¹⁴⁴

(a) *Participatory development and women’s empowerment:*

To date, Algeria, Egypt, Iraq, Kuwait, Libya, Qatar, Saudi Arabia and Tunisia do not have a separate strategy for women’s development. In these countries, targeting of female population groups is carried out through national development strategies. In some of these strategies, women’s participation is referred to in specific sectoral programmes, including, for example, education, health and economy. However, there is no mention of violence against women and girls. In other strategies, violence is explicitly referred to, albeit to varying degrees from one country to the other. In some cases, violence against female population groups is explicitly dealt with in sections related to social development; in others, reference to violence is addressed as part of support to the family.

Some Arab countries have instituted separate national strategies for women’s development. These include Bahrain, Jordan, Lebanon, Morocco, Palestine, Oman, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen. Various women’s development strategies include sections on violence against women in their objectives, such as, for example, the Bahrain National Strategy for the Advancement

¹³⁸ According to the World Health Organization, most developed countries have accepted the chronological age of 65 years as a definition of elderly or older person, and usually linked to retirement age. However, this definition may not be applicable to the socio-economic and health context of developing countries. World Health Organization. Definition of an older or elderly person. Available from: <http://www.who.int/healthinfo/survey/ageingdefnolder/en/>.

¹³⁹ Article 29 of the 1996 Constitution of Algeria.

¹⁴⁰ Algeria, Elderly Protection Law of 2010 (in French); and Senior World Chronicle, 2010.

¹⁴¹ Qatar, Ministry of Social Affairs (n.d.). Response to Questions on Qatar Foundation for Elderly People Care.

¹⁴² Lazaridis and Zanoon, 2006.

¹⁴³ Jordan, National Commission for Women, 2012.

¹⁴⁴ Economic and Social Council, 2006.

of Women 2013-2022;¹⁴⁵ and the Jordan National Strategy for the Advancement of Women 2012-2015.¹⁴⁶ The objectives and interventions of the Lebanon National Strategy for Women 2011-2021 include combating violence against women by breaking the culture of silence through legislative reform and by drawing attention to the particular problem of domestic violence.¹⁴⁷

Some Arab countries have separate national strategies to combat violence against women, namely, Jordan (2005), Algeria (2006), Tunisia (2007), Morocco (2008), the Sudan (2010) and Palestine (2011). Such strategies include raising awareness of domestic violence, enhancing judicial responses to violence through legal amendments, and promoting research on violence. Other strategies may include the establishment of specialized medical units attached to temporary shelters for the purpose of providing counselling to survivors of domestic violence.

In some cases the strategy remains a draft and has yet to be ratified by the legislative branch of government, notably in Bahrain and Saudi Arabia. However, this has not deterred pertinent national women's machineries from working on combating violence, such as in Bahrain, which has announced the establishment of a national database in collaboration with civil society to record cases of violence against women.¹⁴⁸

Arab countries with national strategies and/or action plans for children's development include Algeria, Jordan, Kuwait, Morocco, the Sudan, the Syrian Arab Republic, Tunisia and Yemen.¹⁴⁹ Bahrain, Libya and Oman are in the process of developing a national childhood strategy.¹⁵⁰ In some countries, national strategies target specific groups among the child population, including, for example, Egypt's 2003 National Strategy for Protection and Rehabilitation of Street Children, and Jordan's 2006 National Strategy to Limit Child Labour.¹⁵¹ In some countries, child development strategies are incorporated into the national social development strategy (as in Lebanon), or into the country's development plan (as in Saudi Arabia).¹⁵² In Egypt, the overlap between interventions targeting children and those targeting youth makes it difficult to identify an explicit policy on youth.¹⁵³ However, the 2010 National Human Development Report focuses on youth and moreover mentions violence against females.¹⁵⁴

At the regional level, Arab countries have signed the 2010 Marrakech Declaration, issued during the Fourth Arab High Level Conference on the Rights of the Child, thereby confirming their commitment to achieve the objectives of the Second Arab Childhood Plan (see box 6).

The 2010 League of Arab States report on violence against children explicitly mentions domestic violence and links this with FGM, so-called honour crimes, early marriage, sexual violence and corporal punishment.¹⁵⁵

¹⁴⁵ Bahrain News Agency, 2013; and Bahrain, Supreme Council for Women, 2013a and 2013b.

¹⁴⁶ Jordan, National Commission for Women, 2012, p. 31.

¹⁴⁷ Lebanon, National Commission for Women, 2011, pp. 25-26.

¹⁴⁸ Bahrain News Agency, 2013.

¹⁴⁹ See Committee on the Rights of the Child, 2012, 2011, 2010 and 2009; League of Arab States, 2010, pp. 43-44; United Nations Children's Fund (n.d.). *The Jordanian National Plan of Action for Children (2004-2013)*; and Swedish International Development Agency, 2011.

¹⁵⁰ Save the Children, 2013; and League of Arab States, 2010, p. 44.

¹⁵¹ Egypt, National Council for Childhood and Motherhood (n.d.). *Street Children Programs*; and Jordan, 2011.

¹⁵² Lebanon, Ministry of Social Affairs, 2011; and Qatar, General Secretariat for Development Planning, and UNDP, 2012.

¹⁵³ Euromed (n.d.). *Studies on Youth Policies in the Mediterranean Countries: Egypt*.

¹⁵⁴ Egypt, Institute of National Planning, and UNDP, 2010.

¹⁵⁵ League of Arab States, 2010, pp. 60-64.

Box 6. The Second Arab Childhood Plan

The Second Arab Childhood Plan aims to achieve the following:

- (a) Emphasize the importance of incorporating a gender-sensitive approach in all child-related programmes, and encourage working to combat violence against women, in view of the close link between women's welfare and the best interests of children;
- (b) Strengthen protection programmes by developing strategies to combat all forms of violence against children;
- (c) Enforce existing legislations and promulgate laws that criminalize the violation of the rights of the child and protect the child against all forms of exploitation.

Source: LAS, 2003.

(b) *Access to services:*

If strategic objectives related to combating domestic violence are to be implemented and desired outcomes achieved, such key measures as preventive and protective ones must be in place, supported by evidence-based information. However, even when the need for such measures is recognized, there tends to be a lag between such recognition and actual implementation on the ground. Not surprisingly, this lag perpetuates disconnected chains of service delivery, making it difficult for women to access victim/survivor services, and for service providers to identify those in need of help. Such disruptions have adverse implications for female victims and/or survivors of violence as they attempt to access protection services and other necessary support.

Various ministries in countries in the Arab region, including, for example, ministries of social affairs, women's issues and interior, undertake critical activities aimed at protecting girls and women from violence. Some ministries have opened shelters to provide a safe place for women survivors of violence.

*A combination of factors influence demand for shelters for VAW survivors, "including inadequate protective measures and legislation to protect women victims of domestic violence, patriarchal culture, problems in the rules governing the shelters, and the lack of awareness of the existence of shelters."*¹⁵⁶

Other ministries have established departments to deal with domestic violence and to offer legal advice, medical assistance and counselling services. Some ministries have a cross-sectoral approach and work with ministries of health, education and justice to ensure proper responses to domestic abuse. However, in most Arab countries government services providing support and protection to female survivors of violence tend to be dispersed among various public sector institutions and rarely achieve nationwide coverage. The result creates disruptions in access to services by victims and/or survivors.

Health care, which is provided by the public sector and to some extent by the NGO sector, has been expanding in much of the Arab region. However, the move towards market economies in much of the Arab region has paved the way for private sector provision of health services, where profits largely dictate costs.¹⁵⁷ Public sector cuts affect the ability of service institutions to bridge the gap between supply and demand for

¹⁵⁶ Egypt, National Council of Women, and USAID, 2009.

¹⁵⁷ Kronfol, 2012.

services, and this gap has adverse implications for the functioning of service chains. As a result, women who have suffered violence may not be able to access necessary support and assistance.

In addition, there appears to be limited information on whether, and how, the private health sector in Arab countries addresses domestic violence. A recent study of violence against women in Jordan provides some glimpses into the matter.¹⁵⁸ The study indicates that the Law of Protection from Domestic Violence, linked to the National Strategy to Combat Violence against Women, includes provisions requiring the private health sector to report cases of abuse and domestic violence. However, a survey of private health sector staff in Jordan revealed that awareness of and dealing with domestic violence was limited.

*“The assessment concluded that there are no policies and procedures adopted by private sector hospitals to protect victims of violence and that 74.3 per cent out of 39 doctors interviewed and 78.1 per cent of nurses interviewed cannot identify victims of violence and do not know how to deal with a victim of violence.”*¹⁵⁹

D. ROLE OF CIVIL SOCIETY ORGANIZATIONS

Civil society entities in the Arab region contribute to the goal of achieving a rights-based approach to human development. NGOs are increasingly recognized as key partners in the development process, owing as much to their actual and potential role in raising awareness on human rights violations as to their focus on operations at the local/community level. Either way, NGOs are well placed to function as mediators between duty-bearers (government institutions and private sector service providers) and rights-holders (female victims and/or survivors of violence).

Some Arab NGOs tend to pursue a social welfare approach and, as a result, may be confined to a limited role in the country’s process of defining development strategies.¹⁶⁰ However, NGO networks calling for social, economic and political reform are increasingly emerging, and are assuming a more active role as self-identified mediators between government stakeholders (duty-bearers) and the constituencies they support (rights-holders).

Some NGOs in Egypt provide legal and counselling services to female victims and/or survivors of violence, in certain cases with government support; however, these NGOs are limited in their availability of trained staff and their ability to provide nationwide services.¹⁶¹ Egypt also provides an example of civil society activism that is hampered by government regulations: the new 2012 draft law raises fears that the room for working effectively may be even more curtailed than was the case under the former regime.¹⁶²

In Jordan and Palestine, activities by NGOs supporting female victims and/or survivors of violence include raising awareness about domestic violence, operating hotlines and shelters, providing legal representation in court, and providing protection to abused children. A review of these services concluded that while legal counselling and representation generally function efficiently, health-related services are particularly weak, owing to limited numbers of professionals experienced in handling domestic violence.¹⁶³

¹⁵⁸ UN Agencies in Jordan, 2010.

¹⁵⁹ Ibid., p. 13.

¹⁶⁰ CIVICUS, 2005 and 2010.

¹⁶¹ Egypt, National Council of Women, and USAID, 2009, p. 17.

¹⁶² International Centre for Not-for-Profit Law, 2012.

¹⁶³ This finding was also noted above with regard to the private health sector.

Moreover, as in various other Arab countries, services tend to be concentrated in the capital and other major urban areas, with implications for the ability of rural women to access services.¹⁶⁴

In some countries, such as Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco and Palestine, NGOs have established coalitions or networks at both national and regional levels that incorporate the combating of violence against women into activities aimed at promoting women's empowerment more generally.

Regional bodies are important stakeholders in terms of their actual and potential contributions to promoting and supporting a rights-based approach to human development. There are numerous examples of regional bodies raising awareness and contributing to action plans to address social, economic and political challenges in the Arab region. One pertinent example may be seen in the efforts of regional bodies to develop the human rights charter and tackle corruption as part of the institutionalization of good governance. While the gap between the formulation of key regional human rights instruments and their actual implementation remains wide, the potential for mobilizing regional bodies in support of preventing, combating and ending violence against girls and women should not be overlooked.

For their part, regional networks are important stakeholders who play both actual and potential roles in raising awareness about social, economic and political impediments to implementing a rights-based approach to development. There are numerous examples of Arab regional networks that advocate justice and the rule of law, lobby for recognition of women's human rights, and counter a culture of violence. A few examples include the NGO Coalition for Violence Against Women in Algeria;¹⁶⁵ the NGO CEDAW Coalition in Egypt, which lobbies to combat violence against women;¹⁶⁶ NGO networks to combat violence against female population groups in Iraq;¹⁶⁷ the NGO Forum to Combat Violence, Including Domestic Violence, against females of all age groups (al-Muntada) in the West Bank, and the Amal Coalition in the Gaza Strip.¹⁶⁸ In Lebanon, NGO networks, such as KAFA (Enough Violence and Exploitation), the Lebanese Council to Resist Violence against Women, and Najdeh against Domestic Violence Network coalesce around specific human rights issues, with a focus on combating violence against women.

E. MEASURING AND COSTING THE IMPACT OF VIOLENCE

1. *Indicators to measure domestic violence*

The United Nations system is in the process of developing and applying appropriate statistical frameworks to document and measure manifestations of violence against women, including domestic violence. These frameworks have important implications for the development of evidence-based policies and strategies. Friends of the Chair of the United Nations Statistical Commission on Statistical Indicators on Violence against Women have proposed six categories to be covered in surveys on VAW. These include background information on female survivors of violence, typology and severity of VAW, and female survivors' relationship to perpetrators of violence. Each category has a set of indicators to measure manifestations of VAW.¹⁶⁹ Increasing attention is accorded to differentiating between outcome indicators (measuring the scope, prevalence and frequency of violence against women); process indicators (measuring efficiency of implementation and coverage); and structural or institutional indicators (covering State responses to manifestations of violence against female population groups).¹⁷⁰

¹⁶⁴ UN Agencies in Jordan, 2010, p. 25.

¹⁶⁵ Algerian Network for Defence of Children, 2011.

¹⁶⁶ Egyptian CEDAW Coalition, 2011.

¹⁶⁷ UN-Women, 2010.

¹⁶⁸ Palestinian National Authority, Ministry of Women's Affairs, 2010, p. 6; and Shomar, Abu Nahleh and Al Muntada, 2007.

¹⁶⁹ United Nations Statistics Division, 2009, pp. 9-13.

¹⁷⁰ Jansen, 2012, p. 2.

“Indicators on VAW could be used to create awareness, guide legislative and policy reforms, ensure adequate provision of targeted and effective services, monitor trends and progress in addressing and eliminating VAW and assess the impact of measures taken. With their associated benchmarks, indicators contribute to organizing data into a form, which facilitates the evaluation of policies and monitoring of progress in achieving goals.”¹⁷¹

In 1982, the World Bank initiated the Domestic Violence dataset. While this dataset is regularly updated, only two Arab countries, namely, Egypt and Jordan, are included in the global coverage.¹⁷² In 2011, UN-Women issued the Violence against Women (VAW) Prevalence Data, based on country surveys and including baseline indicators that draw a distinction between physical and sexual violence.¹⁷³ However, here too, only a few Arab countries are included in the survey.

ESCWA regularly issues a publication, entitled Gender in Figures, which provides an overview of sex-disaggregated data, including data on violence against women in the Arab region.¹⁷⁴ Key indicators include early marriage; emotional, physical and sexual violence; female genital mutilation; women’s attitudes towards wife beating; and women’s attitudes towards refusing sex with their partners. However, comparability of data is hampered by two factors, namely: coverage that does not include all 18 Arab countries included in the report; and sources of data may differ from one country to the other.¹⁷⁵

In order to promote national surveys that include key baseline indicators on violence and that also support cross-country comparability of data in the Arab region, ESCWA has proposed a framework (referred to as G IS IN) to cover 15 baseline indicators, thereby capturing violence against women in Arab countries.¹⁷⁶

“Data collection on domestic violence is not only a matter of developing appropriate indicators and securing adequate funding. It [also needs to take into account]... the pervasive culture of silence in Arab societies. Thus response to reported cases of violence tends to focus more on the family’s shame rather than on the victims’ trauma.”

“In order to deal with such shame, the victim may be subjected to virginity testing, hymen repair, illegal abortion, marriage to the rapist, marriage to a much older man seeking a young additional wife, being physically confined to the house, being incarcerated in prison or being murdered to redeem the family honour. The risk of honour killing is a key factor in the female victim’s willingness to report rape or incest.”¹⁷⁷

The UNICEF Multiple Indicator Cluster Surveys (MICS) provide some insight into violence against women. Indicators include justification of wife beating, child protection, early marriage, sexual exploitation,

¹⁷¹ Ibid.

¹⁷² The World Bank, 2007.

¹⁷³ UN-Women, 2011b. With respect to the Arab region, UN-Women data on VAW derived from national surveys, such as demographic and health surveys, and were limited to Egypt, Jordan and Morocco.

¹⁷⁴ ESCWA, 2011b.

¹⁷⁵ Ibid.

¹⁷⁶ ESCWA, 2007, p. 32.

¹⁷⁷ Assaf and Chaban, 2013.

trafficking and FGM. However, such data may not be available for all the Arab countries included in the report.¹⁷⁸

In 2011, ESCWA hosted a conference to discuss and agree on guidelines for producing statistics on VAW in the Arab region.¹⁷⁹ By 2012, ESCWA had adapted the United Nations Survey Model to Measure VAW, which focuses on violence against women in the domestic as well as the public spheres, to the socio-cultural context and language/terminology of the Arab region.¹⁸⁰ The questionnaire aimed to provide insight into quantitative as well as qualitative manifestations of violence against women in Arab societies.¹⁸¹

2. Capturing the manifestations of domestic violence

A key challenge of effectively addressing manifestations of violence, especially domestic violence, against female population groups is the lack of national databases. There are few studies on the gender dimensions of crime in Arab societies. The absence of such databases suggests that there is to date limited awareness of the link between such data and the development of evidence-based policies and strategies (see box 7). Absence of data on domestic violence perpetuates the statistical invisibility of female victims and/or survivors of violence in the justice system and contributes to disconnection within chains of service delivery to victims.

Box 7. Absence of data on domestic violence

Data on domestic violence tend to rely on records of organizations that provide services for victims. Given that each organization uses its own system for registering cases, there is no common reference system to avoid registering the same victim more than once.

Moreover, the data are based on interviews with representative samples to examine issues relevant to domestic violence, including attitudes, general public awareness and the services of providers.

Source: United Nations in Jordan, 2009, p. 9.

There are efforts to generate information databases on violence against women in some countries, including research in Palestine that aims to shed light on crimes against women in order to mobilize public opinion on this human rights concern;¹⁸² efforts in Bahrain, where the Bahrain Supreme Council for Women plans to establish a database on violence against women;¹⁸³ and efforts in Morocco, where the High Commission for Planning has expanded socio-economic indicators to include indicators on violence against women. Unfortunately, such efforts remain exceptions.¹⁸⁴

However, there are some accessible sources from which information of direct and/or indirect relevance to combating domestic violence in the Arab countries may be gleaned. These include national demographic and health surveys, country progress reports on HIV/AIDS, and studies and sample surveys.

¹⁷⁸ UNICEF (n.d.). Multiple Indicator Survey Cluster.

¹⁷⁹ ESCWA, 2011a.

¹⁸⁰ Jansen, 2012.

¹⁸¹ ESCWA, 2012a.

¹⁸² Shomar, Abu Nahleh and Al Muntada, 2007.

¹⁸³ Mohammed, 2013.

¹⁸⁴ Morocco, High Commission for Planning, 2011.

Country and shadow reports submitted to the CEDAW Committee also provide some insights into violence against female population groups, although information may not be up-to-date. Some CEDAW shadow reports, despite also dating back some years, may provide insights into State protection of women in general and female survivors of violence in particular. These may also include information omitted in official CEDAW country reports. The same applies to State reports to the CRC Committee, though there appear to be even fewer shadow reports on child human rights than is the case with respect to CEDAW shadow reports. Nevertheless, as the examples of national demographic and health surveys, discussion of youth sexual health and sexuality and analysis of national HIV/AIDS reports all reveal, the absence of national databases on domestic violence has an adverse impact on both the ability of countries to address violence against women, and on the ability of victims and/or survivors of such violence to access support.

Legislative issues also play a role. As discussed above, there are contradictions between key articles in sources of legislation, including constitution or basic law, penal legislation and personal status law. These contradictions are further compounded by the complexity of court systems in Arab countries and by the separation of civil and religious courts. Such contradictions perpetuate the disconnection of information sources in the justice system, and also result in a disruption within the chain of service providers.

Few Arab countries include crime data in their published statistics yearbooks, and even when they do include this data, there is no explicit mention of domestic violence, as is the case of Lebanon.¹⁸⁵ Countries that include information on cases dealt with in civil and sharia courts do not provide details on type of crime or gender of the perpetrator, as in Bahrain.¹⁸⁶ Yet it is of the utmost importance to include details on attrition rates at the different stages of the justice cycle. In Egypt, while the annual Statistical Yearbook does not include crime data, glimpses of violence-related cases may be gleaned from accessible information on the family courts,¹⁸⁷ and through the government supported Family Justice Project.¹⁸⁸ However, accessible data are neither comprehensive nor up-to-date.

In some countries, such as Kuwait, the ministry of justice issues statistics on violence and abuse against women. Such statistics may include some reference to rape, sexual intercourse under duress, kidnapping, severe beating and murder. However, they make no explicit mention of the marital status and age of the victim, whether the reported cases include spousal violence, or whether such violence took place in the domestic sphere.¹⁸⁹ Such gaps in information have negative ramifications for the combating of violence against women.

“Norms of patriarchy, family honour, male power and privilege, and female sexual purity generally restrict young people’s access to sexual and reproductive health information, education and services. Moreover, the topic remains contested given its link with the conflict over the appropriate role of religion in social policy.”¹⁹⁰

Reproductive and sexual health of Arab youth

Global research on sexual health and sexuality has established direct and/or indirect links between sexual health and manifestations of violence against women and girls. Such links include, for example,

¹⁸⁵ Lebanon, Central Administration of Statistics, 2011.

¹⁸⁶ Bahrain, Central Information Organization, 2011.

¹⁸⁷ Albeit not based on comprehensive up-to-date data. See al-Sharmani, 2009.

¹⁸⁸ Egypt, Ministry of State for Family and Population, 2004.

¹⁸⁹ Kuwait, Ministry of Justice, 2010.

¹⁹⁰ De Jong and others, 2005, pp. 51-52.

unwanted pregnancies, unsafe abortions, maternal mortality and morbidity owing to frequent pregnancies, limited or constrained access to ante- and post-natal services, vulnerability to sexually transmitted diseases (STDs) and HIV/AIDS as well as psychological problems.¹⁹¹ However, the attempt to analyse reproductive health in the Arab region, especially the sexual health of male and female youth, suffers from the same limitations of data. Discussion of reproductive health in the Arab countries generally tends to focus on maternal and child health care, with limited attention given to the reproductive health needs of adolescents and youth. As youth sexuality is a socially taboo topic in Arab societies, even less attention is accorded by government authorities to discussion of the sexual health of this population group.¹⁹²

While some Arab governments have recently begun to accord greater attention to aspects of sexual health, such efforts tend to be largely linked to the prevention of HIV/AIDS and STDs. For example, Tunisia has a comprehensive national programme on reproductive and sexual health targeting youth, which provides such services as health clinics to adolescents.¹⁹³ Tunisia was also the first Arab country to introduce reproductive health education in school curricula for both girls and boys.¹⁹⁴ In parts of the Arab region there have been recent efforts, largely instigated by the NGO sector, to tackle the social taboo of discussing sexuality and sexual health, especially among young people. However, owing to funding limitations, NGO-supported interventions tend to be partial in coverage, and there has been limited evaluation of their impact.¹⁹⁵

3. *Calculating the cost of violence against women*

While attention to calculating the cost of VAW dates back some years, the literature on the topic reveals that there is on-going discussion of both the appropriate focus of such calculations (economic costs, social costs or both) and the appropriate methodology, that is developing an accounting model that is cost-effective to apply. Either way, there is increasing recognition that “the costs of violence against women are enormous. Economic development is limited as long as violence against women exists. The sooner the countries bring in effective policies and programmes to end violence against women, the sooner they will begin to reduce the economic cost of that violence to their society and benefit in the long run.”¹⁹⁶

One approach to calculating the cost of violence against female population groups is to draw a distinction between direct and indirect costs,¹⁹⁷ as well as between tangible and intangible costs.¹⁹⁸ Some costs may have a monetary value (for example, expenses paid in dealing with the effect of violence, or loss of profits resulting from reduced productivity); other costs, such as pain and psychological effects, may not have a direct monetary value. Moreover, the cost of violence may be calculated in terms of its economic and social multiplier effects, such as the lowering of earnings owing to decreased productivity and reduced quality of life.¹⁹⁹ Calculation of the economic costs of violence against women and girls, taking the multiplier effects into account, has apparently not yet been carried out “in any comprehensive way”.²⁰⁰

¹⁹¹ UNFPA (n.d.). Ending Widespread Violence against Women.

¹⁹² United Nations Programme on Youth, 2011.

¹⁹³ International Women’s Health Coalition, 2011.

¹⁹⁴ Wahba and Roudi-Fahmi, 2012, p. 2.

¹⁹⁵ De Jong and others, 2005, p. 51.

¹⁹⁶ Day, McKenna and Bowlus, 2005, p. 45.

¹⁹⁷ UNICEF.,2000, p. 13.

¹⁹⁸ Day, McKenna and Bowlus, 2005.

¹⁹⁹ UNICEF. 2000, p. 13.

²⁰⁰ Day, McKenna and Bowlus, 2005, p. 7.

Among the countries in the Arab region, only Egypt, Morocco and Qatar appear to accord attention to the cost of neglecting to combat violence against female population groups. In Egypt, the costing initiative was launched by civil society rather than by government authorities. The Violence against Women Costing 2013 project, which was launched by KARAMA and the Egyptian Association for Community Participation Enhancement, aims to highlight the cost of violence against women beyond a focus on women's welfare, and to provide evidence of implications for the country's social and economic development.²⁰¹ While it is recognised that VAW represents a loss to the State in terms of the cost of service provision, the loss of productive work by women suffering from the effects of violence also represents a loss to GDP.²⁰²

The 2009 Violence against Women Costing Study in Morocco revealed that the cost of women seeking help from the justice system may total around \$6 million annually; health providers indicated that the cost of tending to each female victim of violence amounted to \$196.²⁰³ In Qatar, the 2011-2016 National Development Strategy explicitly refers to the social and economic costs of violence against women and children, "which includes physical, emotional and sexual abuse that directly undermine Qatar's goal of providing social care and protection for all its citizens".²⁰⁴

4. Gender-responsive budgeting

Part of the State responsibility, as highlighted by the United Nations Policy on Due Diligence, is to ensure that female victims or survivors of violence gain adequate access to services. As such, sufficient allocation in national budgets of financial and human resources for such services is required. The call for gender-responsive budgeting (GRB) is not new; it was in fact included in the recommendations of the 1995 United Nations Beijing Declaration and Platform for Action signed by Arab countries.²⁰⁵

To date, however, a minority of Arab countries have incorporated GRB into their national account systems. In Egypt, the Equal Opportunities Unit in the Ministry of Finance has developed a strategy for institutionalizing GRB that includes defining tools and methodology, capacity-building and institutional development. The initiative also includes promoting legislative reform, such as Decree 668 of 2009 ("which affirms in Article 16 that the principles of gender responsive and performance-based budgeting are to be upheld in Egypt's budgets"), and public policy interventions, such as establishing a monitoring and evaluation unit in the National Council for Women; as well as supporting coordination between various ministries working on women's issues.²⁰⁶

Morocco is upheld as an example of good practice and a model to be emulated with respect to its institutionalization of the GRB process, and its implementation of MDGs, including (as indicated above) the addition of a target to combat violence to Goal 3 on women's empowerment.²⁰⁷ The process has been institutionalized by a budget circular issued by the Prime Minister that calls on line ministries to include gender indicators in their expenditure control mechanisms and performance audits, and in the budgetary information system.²⁰⁸

²⁰¹ Karama (n.d.). Economic cost of violence against women in Egypt exceeds 3 billion LE since 2009.

²⁰² Day, McKenna and Bowlus, 2005.

²⁰³ Barker and others, p. 11; Belghazi, 2008; and UN-Women, 2013.

²⁰⁴ Qatar, General Secretariat for Development Planning, 2010, p. 170.

²⁰⁵ United Nations Fourth World Conference on Women, 1995.

²⁰⁶ Egypt, Ministry of Finance, and UNIFEM. Gender Responsive Budgeting in Egypt: Programme Strategies and Achievements.

²⁰⁷ UN Women. Efforts in support of GRB; Morocco: Building NGOs' Capacity to Apply GRB in Fight Against VAW.

²⁰⁸ United Nations Fund for Women, 2007.

In Jordan, the National Commission for Women launched a pilot initiative in 2010 to institutionalize GRB as part of mainstreaming gender in the development process. The initiative includes analysis of budget allocations in support of women's development and the capacity-building of key stakeholders.²⁰⁹ In Palestine, a national commission was established to develop and implement GRB, linked to implementation of gender-responsive planning. These efforts are part of donor-supported programmes and are also linked to the UN-Women initiative, entitled "Increasing Accountability in Financing for Gender Equality 2012-2015".²¹⁰

²⁰⁹ Jordan, National Commission for Women, and UN-Women. *Gender Responsive Budgeting Project*.

²¹⁰ UN-Women, 2012.

IV. GOOD PRACTICES AND LESSONS LEARNED

A. GOOD PRACTICES

Examples of good practices demonstrate strategies, approaches and activities that contribute directly or indirectly to achieving a desired outcome. In the case of combating violence against women, examples of good practices provide insight into how to address the legal, structural and other causes that perpetuate domestic violence against females of all age groups. Essentially, good practice is not only about the intent, in other words “what” to do in combating domestic violence, but also about the practice, that is “how” to do it in order to achieve the desired results.²¹¹

Analytically, a distinction may be drawn between, on the one hand, good practice that supports an environment that contributes directly or indirectly to combating violence in the domestic sphere and, on the other, good practice that directly addresses domestic violence perpetrated against girls and women. Even if emerging examples of good practices are confined to a few Arab countries, they may serve as models for what is possible and achievable in combating violence in Arab societies in general, and in the domestic sphere in particular.

1. *Environments that enable women’s empowerment*

Various Arab countries have developed separate national strategies or action plans for women’s development. What may be referred to as the abovementioned intent (“what”) of good practice reflects the vision and policy of the State with respect to Arab women’s role in the development process, including improving women’s status in society, in the economy and in the political sphere. These national women’s strategies and action plans are translated into sector-based programmes and services, in some cases implemented jointly with the NGO sector. Such joint efforts represent good practice in terms of strengthening the participation of civil society in the development process.

Supporting an environment capable of enabling and/or facilitating women’s empowerment may include such strategic objectives as promoting women’s economic empowerment through higher education and skill training; implementing regulations that facilitate women’s access to decision-making positions in public administration and to paid employment in the private sector; and poverty alleviation interventions, including facilitation of enterprise development through skill training, affordable credit and access to markets. Where multi-sectoral programmes are in place, good practice links women’s economic empowerment to the promotion of their social and political empowerment.

Legal empowerment may be pursued by tackling legal illiteracy and improving women’s access to the justice system; passing amendments to personal status regulations that facilitate women’s ability to apply for judicial divorce; passing amendments that specify joint responsibility of husband and wife for the family unit; putting into place regulations to combat early marriage; criminalizing FGM and sexual abuse of children; and legislating for the right of women to pass on their nationality to their children. Removing language deemed degrading to women from the family code is another good practice measure that contributes to establishing an environment that will enable the improvement of the status of Arab women.

Various Arab countries recognize the importance of women’s participation in the political process and have set forth pertinent strategic objectives and designated programmes and projects to support this participation. Relevant legislative measures may include amendment of electoral regulations to promote women’s participation in political life, introducing women’s quotas in parliaments and removing legislation inhibiting women’s access to decision-making positions.

²¹¹ There are numerous sources that compile experiences of good practice in various regions. Such information is relevant and useful for discussing good practice in eliminating violence against women and girls, in particular domestic violence. See, for example, Vann, 2009.

2. *Emerging good practices to combat domestic violence*

As the findings from the desk study and the field missions reveal, violence in the domestic sphere is a socially and legally sensitive matter, especially when it entails physical and sexual violence against female family members. However, there are signs of emerging good practice in various Arab countries. These may be taken as an indication that efforts are underway to tackle the culture of shame and silence that has hitherto surrounded the subject of violence in the domestic sphere.

(a) *Strategic approaches*

Various Arab countries have developed specific national strategies to combat violence against women. In some cases these strategies remain in draft form and have not yet been implemented; in others, an action plan rather than a strategy is in place. Either way, development of strategies or action plans through a consultative process involving stakeholders in key public sectors as well as in the NGO sector and other civil society entities stands as an example of good practice.

Some Arab countries that do not have a separate anti-VAW strategy or action plan may nonetheless include reference in their national women's development strategies to combating violence against female population groups, either as a separate strategic objective or as part of a sector-specific focus (for example, social development, health and/or education). Some of these strategies may identify a need for legal reform criminalizing domestic violence. Countries that have separate strategies both for women's development and for combating VAW may be deemed as signalling acknowledgement of the State's responsibility as duty-bearer to address this human rights violation.

Further examples of emerging good practice include addressing human rights abuse against children through separate strategies and/or programmes that include explicit reference to such culturally sensitive subjects as FGM, sexual abuse, early marriage, child labour, illegitimacy and child trafficking. Initiating children's parliaments in some countries constitutes another good practice that highlights children's rights. While there may be an overlap between child and youth policies, not to mention the apparent difficulty of tracing youth-related policies in some Arab countries, here again the State can be deemed to be signalling its responsibility as duty-bearer through such practices. Such national strategies and programmes reflect some effort on the part of the State to align national legislation with key human rights instruments, despite the faith-based caveats that most Arab countries invoke in stating reservations to specific articles of these human rights instruments.

There are also glimpses of good practice in some Arab countries with respect to the particular social, health and economic problems of the elderly. These are reflected, for example, in the adoption of the Arab Plan of Action on Ageing. Good practice may include enacting separate legislation targeting the elderly, establishing cross-sectoral national committees on ageing and, in some cases, addressing domestic violence against the elderly.

(b) *Legal reform and the rule of law*

In some Arab countries, emerging good practice includes amending some penal regulations relevant to combating domestic violence. Such amendments may include tightening regulations with leniency clauses in the case of "honour" crimes; criminalizing rape and sexual violence; doubling the penalty for sexual violence against minors and in the case of incest; and criminalizing FGM. In other countries, efforts are underway to draft laws that criminalize domestic violence and sexual harassment in the workplace.

In the absence of a national database on domestic violence, setting up a national observatory for combating violence against women provides a means of putting in place monitoring mechanisms to capture the incidence and scope of such violence. Information gathered through the monitoring process may provide the evidence required for lobbying effectively for legal reform in support of combating domestic violence.

One emerging example of good practice includes the establishment of a symbolic tribunal that functions as a court, with volunteer judges, prosecutors and lawyers, in which human rights and other activists and organizations, including the media, can participate. The aim is to hear cases presented by female survivors of violence and to disseminate these cases via media channels. Such courts become a way to advocate for amendments to the laws and regulations that constrain women from accessing the justice system.

Another emerging good practice is that of setting up regional and local committees that are linked to the ministry of justice, with a mandate to study the problem of abused women. For instance, a special office may be set up in the ministry of interior to deal with cases of domestic violence. Other examples of good practice include setting up special units in police stations to deal with female victims and/or survivors of violence.

Efforts are in place in some Arab countries to sensitize the police to gender issues through, for example, a decree that obliges them to handle complaints from women subjected to domestic violence, and to remain neutral in marital conflict cases. Counselling centres may be established in police stations and health units to which female survivors of violence can turn for advice.

Emerging examples of good practice include gender training for judiciary staff (judges, prosecutors and lawyers), including sensitization on domestic violence; training of law-enforcement officials, including the police, to deal with cases of domestic violence and support battered women; investing in the recruitment of female police officers as a means of encouraging female victims and/or survivors of violence to come forward; and creating commissions comprised of law-enforcement institutions to combat violence against women. Other emerging good practices include implementing a training package on sexual and reproductive health, taking in training personnel to deal with domestic violence cases, and designing gender training courses that address violence against women and girls as a key human rights concern rather than a side issue.

(c) *Protection services and resources*

In some Arab countries, government authorities have set up family counselling offices, family courts and family insurance funds to support vulnerable women, including female survivors of domestic violence. Some government authorities may support shelters and hotlines operated by the social service. The public health sector may provide free medical care for battered women.

Regulations have been put in place enabling the health services sector to issue medical certificates for women receiving treatment for physical violence, which technically could be used in court. The involvement of forensic services in collecting proof of domestic violence represents another form of good practice.

The NGO sector also operates shelters and hotlines, and provides free legal advice and psycho-social counselling for female survivors of violence. Moreover, NGOs may implement projects that link protection services to the goal of empowering women socially and economically. Women-led NGOs may join forces with human rights NGOs to mobilize and influence public opinion in ways that ensure that domestic violence is perceived as a violation of human rights. NGOs may involve female survivors of violence and domestic abuse in advocacy campaigns, marches and events; and these activities may be supported by pertinent government authorities and by the media sector.

(d) *Capturing manifestations of domestic violence*

National surveys to capture manifestations of violence against female population groups represent an important example of good practice. Pertinent surveys linked to social and health sectors may include indicators on domestic violence. Standardization of terms used to analyse violence against women and girls facilitates intra-country, cross-sectoral comparison.

Current efforts by the United Nations system to adapt generic indicators of the socio-cultural context of the Arab region contribute to facilitating cross-national comparisons, with positive implications for the development of an effective approach to combating domestic violence. Such efforts include training of trainers as part of the process of institutionalizing the systematic collection of data on violence in the public and domestic spheres. Data collection allows for the establishment of baselines and the implementation of an effective monitoring and evaluation system.

(e) *Awareness-raising and advocacy*

Emerging examples of good practice include awareness-raising campaigns on violence against women and girls that are sponsored by government authorities and led by national women's machineries. Setting up a national observatory to monitor and improve women's image in the media signals the State's intent to tackle violence against female population groups.

NGO networks may join forces to launch advocacy campaigns on abolishing leniency clauses for "honour" crimes, on the criminalization of spousal violence and on addressing confusions between rape and adultery that punish the female victim rather than the male perpetrator. Legal advocacy to define domestic violence and sexual abuse as part of the concept of harm in penal legislation is conducive to women's ability to petition the court for judiciary divorces.

Trade union and NGO campaigns to criminalize sexual harassment in the workplace represent further examples of good practice. Community and religious leaders are being mobilized to combat violence against female population groups and to serve as role models in this respect. Advocacy on domestic violence and sexual harassment has in some countries contributed to public debates; these debates have mobilized the State to draft pertinent laws to criminalize at least some manifestations of violence in the domestic sphere.

Blogs and websites provide another means of mobilizing public opinion against violence, including spousal violence, in the domestic sphere. Including men as potential partners in the battle against violence, rather than limiting the focus to men's role as actual or potential perpetrators of domestic violence, is an emerging good practice in raising awareness of domestic violence as an abuse of human rights.

Academia and academic research play a key role in establishing an information base and providing the evidence for domestic violence. Within that context, organizing conferences and meetings on violence against girls and women, publishing survey and study findings on domestic violence in accessible forums, and presenting violence as a human rights abuse in school and university curricula all play a role. Medical journals, which constitute an important source of information on sexual and other manifestations of violence in the domestic sphere, play an important role in lifting the silence that cloaks this issue. The inclusion of human rights issues in school and higher education curricula is particularly important, given that it provides an entry point through which to mobilize young people. Such inclusion imparts the message that human rights are not the prerogative of any particular faith or ideology, but rather that they are universal. Addressing violence against women in educational contexts is especially important in the light of the conflation between religion and culture, and the link between domestic violence and contested discourses on female gender roles and status in Arab societies.

(f) *Media and accountability*

Television slots on violence against female population groups, supported by government authorities or the NGO sector, raise public awareness of domestic violence. Other emerging good practices include reporting on manifestations of violence in ways that avoid portraying women negatively and perpetuating the syndrome of "blame the victim"; providing media coverage of events, campaigns and marches that advocate combating violence; and mobilizing public opinion on the social and legal unacceptability of domestic violence.

Another emerging good practice is establishment of media observatories. These may function as a regulatory framework for monitoring whether, and to what extent, media channels respect women's human rights, and whether they report on domestic violence in ways that take into account the root cause of such violence rather than just focusing on the symptoms.

There are also efforts to encourage female victims and/or survivors of violence to break the culture of silence and to share their experience of domestic violence with media audiences. Sharing experiences of breaking out of the cycle of domestic violence and of taking control of their own lives is meant to send a message of hope to other women subjected to domestic violence.

(g) *Men and boys as part of the solution*

An emerging good example is widening the research focus to include analysis of evolving concepts of masculinity and of the link between masculinity and the culture of violence. Men and boys are increasingly involved in identifying ways and means to combat domestic violence and are seen as part of solution rather than simply part of the problem (as male perpetrators of domestic violence). Focus is also placed on encouraging male stakeholders to become involved in blog discussions on manifestations of domestic violence. A key message is that women and men activists should jointly seek solutions to violations of human rights in the domestic sphere.

Up until the late 1990s, male engagement in support of women's participation in the development process, and exploration of the links between women's participation and concepts of masculinity were largely neglected topics in the Arab region. Since then, however, academic research projects, civil society undertakings (including websites and blogs), and public and NGO stakeholder involvement have increasingly provided insights into the on-going discourses on men and masculinities in the Arab region, some of which focus on Arab men as the subject of analysis, rather than viewing them merely as a by-product of analysing women's rights and role in development.

Social media is developing into another channel for discussion of, and information sharing on, the meaning and socio-cultural implications of masculinities in Arab societies. For example, in 2011, the website Engagingmen.net reported on a training guide issued by Oxfam UK and KAFA (the Lebanese women's rights NGO), entitled "Women and Men... Hand in Hand against Violence". The underlying message is that in dealing with violence against women, "men may be part of the problem but they are also part of the solution".²¹² The role of gender in the Arab uprising has also rekindled interest in the discourse on masculinities in Arab societies.²¹³

Attention is additionally being paid to involving men through the service sector. For example, in Jordan, the Men's Crisis Service, which is operated by the Ministry of Social Development, supports men "to plan for a non-abusive lifestyle and accept responsibility for past behavioural problems", while at the same time focusing on increasing women's safety.²¹⁴ In Lebanon, the Resource Centre for Gender Equality (ABAAD) has launched a programme activity that "aims to help men deal with anger management as part of their commitment to improving violence in society", provides a hotline and has initiated a study, entitled "Perceptions of Masculinity and Domestic Violence".²¹⁵

²¹² See Engagingmen.net. Men must be part of the equation in any effective fight to end violence against women in the Arab world, say KAFA & Oxfam GB. Available from: <http://www.engageingmen.net/news/men-must-be-part-equation-any-effective-fight-end-violence-against-women-arab-world-say-kafa-ox>.

²¹³ Amar, 2011.

²¹⁴ UN Agencies in Jordan, 2010, pp. 21-22, 27 and 31.

²¹⁵ Resource Centre for Gender Equality, 2011; and Safe World for Women, 2012a and 2012b.

A hotline for actual and potential male perpetrators of domestic violence is another emerging good practice. Hotlines provide informal forums through which to raise awareness of the negative effects of domestic violence, including on the health and mental well-being of family members. Counselling on anger management is part of rehabilitating perpetrators of violence.

In Palestine, efforts to address masculinity include using a cross-cutting indicator to measure the inclusion of men in programme and project implementation, especially in awareness-raising. In addition, effort is being made to encourage men to become involved as volunteers and as leaders in their communities, and to break down social taboos that discourage men from addressing gender issues.²¹⁶

B. LESSONS LEARNT: GAPS IN APPROACHES TO ADDRESSING DOMESTIC VIOLENCE

As the section above highlights, there are many emerging examples of good practices upon which evidence-based policy recommendations can build on. However, notwithstanding that various State-sponsored and other interventions are deemed to reflect intent of good practice in terms of supporting the necessary enabling environment, the fact remains that there continue to be gaps between intent and practice on the ground. In addition, interventions are implemented piecemeal and often address the symptoms rather than the root cause of violence against women and girls. The lessons learned from the desk study and the information and perception/views garnered from the field missions reveal particular gaps in areas and sectors of relevance to combating violence in the domestic sphere.

1. *Uncoordinated strategic objectives and service delivery chains*

In some Arab countries, national strategies may reflect some continuity in terms of mentioning violence against female population groups within the national development strategy. However, reference to violence tends to be a subtext in strategic objectives related to the social and health sectors, and usually addressed in the context of dealing with women, children and the disabled as vulnerable groups. Explicit reference to domestic violence appears to be the exception rather than the rule.

Even where national strategies for women's development are based on a multi-sectoral approach, this does not necessarily imply that institutionalization of a system capable of supporting inter-linkages between strategic objectives or applying gender mainstreaming tools is in place. Institutionalization of an effective monitoring and evaluation system may be hampered by the absence of a national database of information on domestic violence and by the absence of baselines and benchmarks. It may further be hampered by the cost of applying indicators that effectively capture existing gender gaps; by a failure to enforce accountability for addressing gaps and shortcomings identified through the monitoring and evaluation process; and by a failure to ensure that an efficient management unit is in place to follow up in implementation.

The gap between intent of good practice and reality on the ground tends to perpetuate a pattern of disconnected public service delivery chains. Not surprisingly, this has ramifications for the efficiency and effectiveness of development interventions in general, and for efforts to address violence against female population groups in particular. In turn, these ramifications have implications for how the phenomenon of domestic violence and the female victims and/or survivors of this violence are dealt with by government authorities and by protection and other services that ostensibly aim to empower women.

2. *Inadequate budget allocation*

Gaps are also discernible in the allocation of required funding and ensuring that the appropriate human resource capacity is in place. To date, a minority of Arab countries have adopted policies for institutionalizing GRB in their national accounts system. With some exceptions, no regulations appear to be

²¹⁶ Women's Centre for Legal Aid and Counselling, 2010, p. 15.

in place ensuring that financial resources are allocated specifically to combating domestic violence against women and girls. This pertains especially to funding and capacity-building of service sub-sectors, which, as per their mandate, are required to provide protection and support to female victims and/or survivors of violence.

In various Arab countries, funding to combat at least some manifestations of domestic violence may take place through discretionary funds. This means that no specific budget line is established. The absence of a specific budget has implications for the continuity and sustainability of activities that aim to address violence in the domestic sphere. In some countries, funding for combating domestic violence may be solicited from the donor community to assist the NGO sector in addressing domestic violence against vulnerable female population groups.

The dependence of the NGO sector on donor funding for projects focusing on domestic violence may inadvertently encourage a project focus that undermines a programmed approach to tackling domestic violence at the national level. Moreover, NGOs may not have the skills or experience to monitor budget allocations for implementing legislation and other interventions meant to contribute to combating domestic violence.

The few initiatives in the Arab region that focus on costing the impact of violence have, to date, not been translated into effective strategies establishing a linkage between costing and gender-responsive budgeting. Little attention is accorded to the implications of domestic violence for economic growth in terms of, for example, lost productivity and reduced economic output, or to the increased cost of services used by survivors of violence. Nor, for that matter, is there much reference to the link between national strategies promoting women's participation in the economy and the impact of domestic violence.

3. Limitations of political will

Particular challenges include mobilizing political constituencies to enact the necessary legislation that strengthen measures aimed at combating domestic violence. Political constituencies may focus on penal regulations and overlook the need to enact legal reform in areas that perpetuate women's economic dependence. Such economic dependence may be a result of limited access to employment opportunities (which itself may result from factors impeding women's freedom of mobility); limited access to education and skill-training opportunities; constraints to securing credit for enterprise development; gender-based discrimination in inheritance and rights to property; and legal illiteracy.

Mobilizing political constituencies in support of women's participation in the political arena remains a hurdle in many Arab countries. This is particularly true when it comes to legislating for gender-sensitive electoral laws; promoting a political culture that supports women's access to decision-making positions within political parties and that provides women with the necessary skills and funding to run for election; raising awareness regarding women's quotas in parliaments; and advocating the gender sensitization for both male and female parliamentarians necessary if they are to contribute to combating domestic violence.

Political will is particularly limited when it comes to questioning personal status regulations that may contribute to violence in the domestic sphere. Contested discourses on female roles and status tend to reinforce the reluctance by authorities, if not refusal, to address arbitrary interpretations of religious scriptures that directly or indirectly condone domestic violence.

Moreover, the absence of a national database on manifestations of domestic violence implies that legislators do not have access to evidence-based information that supports the drafting of pertinent amendments conducive to combating this problem. Indeed, this absence may encourage political constituencies that do not prioritize promoting women's human rights to ignore violence in the domestic sphere.

4. *Legal loopholes*

As the desk study and the field missions reveal, existence of contradictions between sources of legislation is more or less common knowledge. Efforts to address these contradictions and loopholes tend to be piecemeal rather than informed by a rights-based strategic approach that systematically investigates cause and effect and that establishes a link with domestic violence.

Gaps in the political will to legislate against domestic violence and to ensure that appropriate implementation mechanisms are in place may undermine emerging good practice in the legal sector. Legislating against violence in the domestic sphere – either by amending existing regulations or by incorporating additional regulations that explicitly address legal loopholes – requires political will to identify the problem and to seek solutions in line with governmental obligations, as specified in the international human rights instruments the country has ratified.

In turn, this political will to identify the problem and seek solutions requires mobilizing political constituencies in support of legislating on domestic violence. The pertinent parliamentary committees have a key responsibility to propose legislative measures, such as penal legislation, that contribute to tackling the problem of domestic violence. However, these tend to shy away from tackling loopholes and contradictory articles in faith-based personal status laws.

The ripple effects of the Arab uprisings have, among others, encouraged the conferring of priority attention to political violence, with a corresponding downplaying of the importance of dealing with manifestations of violence in the domestic sphere. As a result, the links between violence in the public and domestic spheres are overlooked and, moreover, a culture that accepts domestic violence as an intra-family affair beyond the reach of the law and the authorities is perpetuated.

Amending legislation and regulations that have implications for criminalizing domestic violence is in some cases further complicated by the challenge of achieving consensus on the terms used to classify violence in the domestic sphere. For example, agreeing on “minor” versus “major” acts of violence has implications on how judges may rule on such cases, as does defining what spousal rape entails and what evidence is required in court to prove its occurrence.

Legal loopholes are also discernible with respect to how male perpetrators of domestic violence are dealt with. These loopholes are evident not only with regard to limitations in civil, penal and personal status regulations that permit impunity, but also with regard to the absence of legal protocols for the rehabilitation of offenders and for compliance with conditions decreed by the court.

5. *Ineffective enforcement of the rule of law*

Overall, there are discernible gaps in the institutionalization of good governance, especially with regard to enforcing accountability and upholding the rule of law in combating violence in the domestic sphere. All too often these gaps reflect an ineffectual political will.

The manner in which female survivors of domestic violence are dealt with tends to emphasize the symptoms rather than the root causes of such violence. Law-enforcement personnel usually take action if violence clearly contravenes penal regulations. However, even then, much depends on the awareness of law-enforcement staff regarding pertinent penal regulations and to what extent these staff members are held accountable for applying these regulations.

Law-enforcement officials who record domestic violence cases, such as the police, may use terms that are imprecise and ambiguous, thereby undermining the plaintiff’s case before it reaches the court. Moreover, judges tend to treat domestic violence cases as any other case that reaches the court, rather than according priority to such cases as part of protecting the female plaintiff from further abuse. This may increase the cost

of resorting to the justice system and discourage female victims and/or survivors of violence from seeking legal protection or solutions.

Ineffective law enforcement is to some extent linked to the largely unsystematic approach to capacity-building of law enforcement staff. Training tends to be project-related rather than being part of a strategic approach to capacity-building of law-enforcement personnel. This reality applies equally to the judiciary, namely, judges, public prosecutors and lawyers. Gender-sensitization training may include addressing women's human rights, but not a cross-sectoral approach to combating domestic violence; in addition, training may not address the issue of how to deal with female survivors of violence.

While there are examples on CEDAW of the training of stakeholders within the justice system, such training does not appear to have mobilized public discourse regarding State reservations to this international human rights instrument. In fact, the ripple effects of the Arab uprisings have in some countries led to a backlash against CEDAW and to calls for reversing ratification of this instrument. Moreover, such training does not appear to cover United Nations resolutions on combating violence against female population groups.

6. Limited State-protection services

Legal loopholes and their link to constraints on the ability of women to access protection services operated by government authorities have particular implications for female victims and/or survivors of violence. Access to such services may be subject to such restrictions as age and marital status. Female adolescents and unmarried female youth may not be eligible for protection in government-supported shelters. Moreover, government-supported hotlines may not operate after working hours or on weekends.

Among the key gaps in dealing with violence in the domestic sphere is a limited, if not absent, referral system linking service chains and protection mechanisms in ways that effectively support female victims and/or survivors in their efforts to break out of the cycle of domestic violence. Police authorities and social-service staff do not receive appropriate training on dealing with domestic violence as a human rights abuse that must not be tolerated.

Moreover, in another manifestation of disconnected service chains, government-protection services may not be linked to interventions that empower female survivors of violence economically. Indeed, when funding for NGO support to female victims and/or survivors of violence is provided by donor communities this may encourage laxness on the part government authorities in fulfilling their financial and other responsibilities as duty-bearers.

State-protection services may not target adolescents, unmarried female youth or disabled females. Moreover, it is only recently that attention has been accorded to the vulnerability of elderly females to domestic violence. This owes partly to cultural attitudes that do not question the sanctity of the domestic (in other words private) sphere, in which the male household head is granted the right to "discipline" female family members.

One aspect of protection services that tends to be ignored and that was not explicitly raised by stakeholders in the course of the field missions is the link between reproductive and sexual health education and manifestations of violence in the domestic sphere. This gap has implications for efforts to raise awareness on domestic violence as a violation of human rights.

7. Restrictions on civil society

Where the kin network is unable or unwilling to provide aid, survivors who are not deterred by the culture of silence and shame may turn to NGOs for support. In fact, for some women, NGOs may not only be the first resort, but in some cases the only resort and the only source of protection from domestic violence.

NGOs may also link protection services to the empowerment of women by, for example, facilitating access to the justice system and to opportunities to earn.

Gaps exist between civil society's ability to participate in the social, economic and political development process, and its ability to bridge the gap between duty-bearer and rights-holder. NGOs that include a focus on domestic violence in their work on women's rights may face particular challenges where political dynamics curtail the scope and effect of activities focused on female survivors of violence. Joining forces with government authorities in implementing activities may not necessarily achieve the expected results in cases where official policy overlooks the need for legal reform, including reform of the law of association that curtails the NGO sector's scope for activism.

NGOs may form networks and establish coalitions to advocate and lobby on specific issues. However, a lack of coordination and even elements of competition may exist between NGOs working in the same areas of concern. Such competition is aggravated by dwindling financial resources. In Arab countries that have experienced uprisings, some NGOs that cooperated with government authorities during previous regimes may be deemed to have compromised their integrity. In effect, the strategic aim of promoting collaboration between the State and the NGO sector to achieve expected outcomes has in some contexts become a point of debate.

There are also gaps in effectively mobilizing male and female local community and religious leaders in the battle against domestic violence. Religious preachers in particular may be accorded a media platform to spread misinformation on religious texts, which may contribute to social acceptance of domestic violence and to questioning the framework for advocating women's human rights. This highlights the polarization of the media sector, as reflected by media channels and programmes, that either depicts Arab women in terms of contravening social norms and neglecting their primary gender role as dutiful daughters, sisters, wives and mothers; or that attempt to disseminate positive images of women conducive to addressing domestic violence as a human rights concern.

Furthermore, gaps are discernible in the mobilization of men and boys to assume equal responsibility with their female peers in terms of combating a culture that ignores or even condones domestic violence. Such mobilization may be a one-off activity, often owing to funding limitations, or it may be project-related and therefore not sustainable over the long term. Either way there appears to be a gap in developing mobilization strategies capable of being scaled up to the national level and supported by the required funding and human resources as part of the implementation of strategic objectives that aim to empower women..

8. Polarization of public opinion

Contested discourses on appropriate female gender roles and status may be disseminated through national and satellite media channels. "Free speech" on some of these media channels provides a platform for disseminating ideologies that support the status quo, in other words asymmetrical gender relations believed to reflect the primacy of women's reproductive roles. These discourses are heavily influenced by subjective interpretation of religious texts and by concepts of cultural authenticity that overlook the flexibility of cultural boundaries.

Supporters of the narrowing of gender gaps in society, the economy and the political arena – whether male or female – may struggle to have their voices heard as they seek to impart the message that women's rights are human rights. Where such efforts on, for example, gender-sensitization training and advocacy campaigns on women's human rights in general and on domestic violence in particular are not adequately budgeted for by the government authorities and rely instead on donor funding, progressive voices in support of women's human rights will tend to be drowned out. In times of political upheaval and economic crisis, progressive voices on women's human rights may become even more marginalized.

Television slots and programmes focusing on women's rights may be broadcast on private channels that have a limited audience or that, for cost reasons, may not be broadcast during primetime. As a result, such programmes may have limited ability to reach a wider audience. Progressive voices may also become entangled in the polarization of public opinion over the merits or demerits of external funding and of the applicability of international human rights instruments such as CEDAW to the national interest.

Some NGOs that follow a social-welfare approach rather than a developmental approach to violence against women may contribute to the polarization of public opinion over the subject of women's human rights in general and domestic violence in particular. Human rights NGOs and women-led NGOs working on combating domestic violence are numerically in the minority in the Arab region, and may struggle to secure necessary space and access to communication channels in order to impart their core message that domestic violence in whatever form is not condoned by any religious scriptures and, moreover, that it is socially unacceptable.

V. CONCLUSIONS AND POLICY RECOMMENDATIONS

A. CONCLUSIONS

The diverse national discourses on society, the economy and the political arena that exist within the Arab region have implications on how Arab women's roles and status are perceived and, in turn, on how violence against women may be combated. These discourses are intensified by the increasing spread of highly conservative views regarding an "ideal female role model" in Arab society, and are accentuated by the conflation of socio-cultural norms and religious scriptures. The resultant blurring of the lines between subjective interpretations of religious texts and cultural norms perpetuate an ossified patriarchal system that perpetuates gender inequality in society, the community and the family. In turn this inequality shapes the way in which domestic violence is viewed, with the result that such violence may be ignored or even condoned. Contested discourses on the role and status of Arab women also shape the way that audio-visual and print media report on domestic violence. Negative stereotyping of Arab women in national media and satellite channels may inadvertently encourage the portrayal of domestic violence as a normal part of family life.

The current political and social dynamics in the Arab region not only affect the countries that have experienced uprisings, but also have ripple effects in other parts of the region. These dynamics have far-reaching implications for the evolving national discourses on male and female gender role models. While Arab women of all age groups actively participated in the uprisings, there is an emerging consensus that the increased polarization of national discourses on female gender roles in Arab societies reflects increasingly conservative, faith-based social trends that stand in opposition to calls to narrow the gender gap by institutionalizing a rights-based approach to human development.

Analysis of the constitutions and basic laws, penal legislation and personal status laws across the Arab region indicates that laws and regulations related to domestic violence are dispersed among various sources and, moreover, are often contradictory. Efforts to eliminate gender-based inequalities in legislation, in particular in personal status laws, are particularly contested, with such unequal legislation contradicting other sources of legislation that uphold women's rights.

Arab countries have codified constitutions or basic laws that over time have been subject to varying amendments. However, even where there is reference to citizens' equality in the constitution or basic law of a country, this is not necessarily reflected in national penal laws. Some exceptions apart, Arab countries do not explicitly address domestic violence in their penal legislation. Contradiction between legal sources is particularly evident in the enactment of faith-based personal status laws in the Arab region.

Omissions and contradictions are also inherent in laws reflecting State protection of the domestic sphere. As is the case with child laws, protection legislation covering youth tends to be scattered in different sources. While some Arab countries have regulations tailored to the need of the elderly, the gendered dimensions of ageing tend to be overlooked. Information on the vulnerability of elderly women to domestic abuse is limited. In addition, there are no laws that target female adults as a separate and clearly identified population group. Rather, protective legislation, such as it exists, must be traced through penal regulations and to varying extent through personal status laws, as well as through the protection service provisions in place.

Moreover, even when legislation of direct or indirect relevance to combating violence against female population groups is in place, the effectiveness of law enforcement institutions in enforcing these laws remains a key challenge. All too often, gaps between de jure and de facto present a serious hurdle.

With the exception of Palestine and the Sudan, all Arab countries have ratified CEDAW, though the majority have raised reservations to articles that call for equal rights for women and men. Most Arab countries include the caveat that ratification must not contradict Islamic sharia norms or principles. This

caveat is also raised with respect to CRC, as well as to other human rights instruments on social, cultural, economic and political rights.

Across the Arab region, national development strategies and national strategies for women's development may include reference to violence against female population groups; and some Arab countries have separate national strategies or action plans for combating violence against women. However, development of anti-VAW strategies or plans does not necessarily imply that these countries explicitly refer to violence against women in their national development plans, or have separate national strategies for women's development. Moreover, the effective implementation of anti-VAW interventions differs from country to country, thereby reflecting the challenge of institutionalizing a multipronged approach to programme implementation.

Analysis of accessible information on the provision of public services to female survivors of violence provides some insight into State protection of females vulnerable to domestic abuse. In most Arab countries, government services protecting survivors tend to be dispersed among various public sector institutions and rarely achieve nationwide coverage. Despite exceptions, the overall result is the perpetuation of disconnected public service delivery chains. Protection services provided by the NGO sector is generally limited in coverage and largely dependent on donor funding. Private sector health services may not necessarily address domestic violence, owing largely to limited human-resource capacity and to limited or absent referral systems that link service provision to legal protection of female victims and/or survivors of domestic violence.

In various Arab countries, NGOs active in supporting women's human rights may include project activities that focus on violence. Some women-led NGOs operate independently of the government; others may coordinate with State institutions and with national women machineries to provide services, often donor-funded rather than State-funded, to female survivors of violence. NGOs focusing on combating violence may form networks and coalitions with other like-minded NGOs and civil society activists to plan and implement pertinent advocacy campaigns. They may join similar regional networks that address Arab women's empowerment, with a specific focus on eliminating violence against women and girls.

The extent to which NGOs pursuing a rights-based agenda have room to manoeuvre around constraints in addressing violence, especially domestic violence, against female population groups is linked to restrictions inherent in national laws of association. In some Arab countries, these laws are being further tightened, with implications for the development of national discourses on women's empowerment.

Exploration of the link between concepts of masculinity and women's participation in the development process, and male engagement in supporting women's participation in the development process, remained a neglected topic in the Arab region up to the late 1990s. Since then, academic research endeavours, civil society website blogs and NGO stakeholder involvement have provided increasing insights into the evolving discourses on men and masculinities taking place in the region. Social media offers another channel for discussion of, and information sharing on, the meaning and socio-cultural implications of masculinities in Arab societies. United Nations agencies have over past decades contributed to this discourse on involving men and boys in support of women's participation in the development process, and on the link between women's development and changing perceptions of the meanings of masculinity. Such contributions have included conferences, publications and networks regarding linkages between concepts of masculinity and a culture of violence that affects females of all age groups.

The United Nations system is in the process of further developing and applying appropriate statistical frameworks to capture manifestations of violence, including domestic violence, against women and girls. UN-Women has issued VAW prevalence data that cover some Arab countries. ESCWA includes key indicators on violence against women in its regular publication, entitled "Gender in Figures"; and is in the process of adapting generic indicators developed by the United Nations system to the context of Arab countries.

Promoting a holistic approach to combating violence against women and girls in the Arab region requires institutionalizing data collection procedures. Few demographic and health surveys in Arab countries provide insight into manifestations of violence against female population groups. Institutionalizing data collection procedures will strengthen the chains linking social, health/reproductive health and economic service providers, and will help to ensure that violence is addressed as a cross-cutting human rights issue. In the absence of such linkages, service chains become disconnected, as can be seen in the fact that few of the reports on HIV/AIDS submitted to the United Nations provide information on violence indicators, even though religious leaders in the Arab region have issued proclamations linking HIV/AIDS and sexual violence. Similarly, the disconnected chain of service providers may be seen in the judiciary sphere. Partly as a result of the complex court system in Arab countries, in which civil and religious courts are separate, cases of domestic violence, unless explicitly covered in penal legislation, may remain invisible and may not be captured by conventional statistics.

With few exceptions, Arab countries fail to bestow attention to the cost of neglecting the combat against VAW. This is true even though generic indicators are accessible and may be further developed to take the specificity of Arab countries into account. To date, few Arab countries have incorporated GRB in their national accounts system or have earmarked the required financial resources necessary for implementing national strategies for women's empowerment. Moreover, awareness of the obvious link between GRB and costing the impact of violence against female population groups in Arab countries appears to be relatively limited, or not acted upon.

B. RECOMMENDATIONS FOR EVIDENCE-BASED POLICIES TO COMBAT DOMESTIC VIOLENCE

1. *State institutions: accountability and due diligence*

The human rights-based approach asserts the prime role of the State, as duty-bearer, to prevent, combat and end domestic violence against women and girls. As such, countries have primarily the obligation to ratify, implement and harmonize the broader international human rights instruments with national legislation on women and girls. Secondly, this commitment to combat and end violence needs to be clearly reflected and integrated in pertinent national policies, strategies, action plans, programmes and implementation mechanisms, supported in turn by the necessary human and financial resources. Last but not least, it requires the political will to combat violence against women. This political signals a commitment to due diligence to prevent, combat and end violence against women and, moreover, underlies the slogan that lies at the heart of all efforts at combating violence and women.

Key elements of State accountability include the necessity of countries to achieve the following:

- (a) Incorporate international legal standards and obligations pertaining to human rights in women and girls national legislation;
- (b) Establish gender-sensitive planning and budgeting at national level to ensure adequate allocation of resources to services for victims and/or survivors;
- (c) Develop, update and implement a national strategy and action plan, based on a holistic approach, for preventing, combating and ending violence, particularly domestic violence against girls, female youth, and adult and elderly women;
- (d) Develop and strengthen statistical capacities for collecting and disseminating regular and reliable disaggregated data on domestic violence (to include sex, age, urban versus rural and type of violence);
- (e) Institutionalize strategic inter-linkages between national development strategies and national strategies for women's development;

- (f) Institutionalize a holistic approach to strengthening service delivery chains involving public, private and NGO sectors;
- (g) Strengthen the status and capacities of national women's machineries, and ensure that they have adequate human and financial resources to advocate for legal reform;
- (h) Develop systems and mechanisms for inter-linked service delivery chains;
- (i) Establish protocols for ensuring the accountability of public and private health-service providers and the provision of rights-based services for the victims and/or survivors of violence;
- (j) Address obstacles that constrain access of female victims and/or survivors of violence to justice;
- (k) Institutionalize a system of mechanisms that hold law-enforcement institutions accountable for applying the pillars of due diligence and that counter the impunity of perpetrators of domestic violence;
- (l) Establish human-rights based standards and procedures for the provision of services to victims and/or survivors of violence;
- (m) Institutionalize an effective referral system linking justice and security sectors professionals with services for female victims and/or survivors of domestic violence;
- (n) Support the establishment of an independent national observatory on violence against female population groups, and ensure access to the necessary information and data;
- (o) Provide the protection, legal framework and space necessary for civil society entities to contribute towards preventing, combating and ending domestic violence;
- (p) Accord particular attention to required regulatory frameworks enabling the media sector to play an effective role in preventing, combating and ending violence;
- (q) Enhance the capacity of service providers to ensure effective implementation of protection and other services from a holistic-rights based approach in support of female victims and/or survivors of domestic violence;
- (r) Increase the capacities of justice and security sectors professionals (judges, lawyers, prosecutors, forensic staff and police) and ensure specialization in dealing with cases of violence against women and girls.

2. Civil society: key partners in development

Recommendations for the NGO sector and media are as follows:

- (a) *NGO sector*
 - (i) Develop internal capacity to lobby government authorities and political constituencies (including parliamentary committees and political parties) for legal reform, appropriate protection and other services necessary for the effective combat of domestic violence;
 - (ii) Develop the capacity to formulate effective advocacy campaigns aimed at mobilizing public opinion and civil society support for combating domestic violence and promoting women's human rights;

- (iii) Provide necessary psycho-social and legal services to women victims and/or survivors of violence, and ensure coordination with relevant authorities and other service providers during the referral process;
 - (iv) Support women's safe, sustainable reintegration into the community and into society.
- (b) *Media sector*
- (i) Ensure ethical and factual reporting of cases of domestic violence;
 - (ii) Train male and female media staff in human-rights based approaches to reporting on news and events related to preventing and combating violence against girls and women;
 - (iii) Raise awareness of the root causes of domestic violence and of the consequences of such violence on family and society;
 - (iv) Adopt gender-sensitive, rights-based terminology in reporting on news and events related to domestic violence.

3. Regional bodies and networks

Regional bodies and networks need to aim to achieve the following:

- (a) Support regional initiatives aimed at promoting the human rights of female population groups;
- (b) Support regional dialogue on domestic violence.

4. United Nations organizations

United Nations entities operating in the Arab region each have mandates and programmes for combating violence against women. The following proposed entry points cover key areas of intervention and are mutually reinforcing:

- (a) Promote the mobilization of political will and public opinion to support the legal reform required to combat domestic violence against female population groups of all ages, with specific focus on addressing legal loopholes and contradictions in national legislation;
- (b) Support a rights-based approach to formulating regulatory frameworks that facilitates the contribution of civil society stakeholders to human development and to a culture that is free from violence;
- (c) Work closely with governments/parliaments to harmonize national legislation with international human-rights instruments on the basis of a framework that supports dialogue and consensus-building among key government, civil society and private sector stakeholders;
- (d) Support national dialogue involving government, civil society and private sector stakeholders on reservations to international human rights instruments and on the link to a rights-based approach to human development;
- (e) Support the development of national strategies and action plans for combating domestic violence that contribute to reinforcing an environment aimed at promoting gender equality and women's empowerment, and ensure synergy between national development strategies and national strategies for women's development;
- (f) Support effective implementation of national strategies and action plans for combating domestic violence through required human and financial resources;

(g) Support the institutionalization of gender-sensitive budgeting as a means of mainstreaming gender in development policies, strategies, action plans and programmes that aim to promote gender equality and support women's empowerment;

(h) Support the development and application of indicators for costing the impact of domestic violence on society and the economy;

(i) Support the institutionalization of the role of the national observatory on domestic violence as an effective monitoring body, ensuring its effectiveness through required human and financial resources;

(j) Support the development of a strategic approach to challenging attitudes and views that ignore the social and economic cost of domestic violence and that condone the impunity of male perpetrators of violence, and ensure that such approaches take into account the typology of domestic violence;

(k) Establish links with advocacy campaigns on legal reform to counter cultures of violence and impunity in Arab societies;

(l) Support public campaigns calling for accountability of key stakeholders in enforcing due diligence and the rule of law;

(m) Support the capacity-building of the following:

(i) Key civil society stakeholders (media, academia, opinion and community leaders, and religious authorities) to contribute towards combating domestic violence in Arab societies;

(ii) NGOs as key partners in development and mediators between duty-bearers and rights-holders;

(iii) Religious authorities to raise public awareness on the progressive interpretation of religious scriptures;

(iv) Opinion leaders at the national and local/municipal level to hold government authorities accountable for due diligence and the rule of law;

(v) The media sector in support of their role as effective advocates of women's rights and of ending the impunity of perpetrators of domestic violence.

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This study aims to examine the phenomenon of domestic violence against women and girls in the Arab region. It analyses it from various facets, namely the sociocultural and legal aspects, and looks into its economic impact and cost.

The study also examines measures taken by Arab governments in combating violence and sheds light on the role of civil society organizations in addressing this problem at both the national and regional levels. The publication makes evidence-based policy recommendations addressed to Arab States, aiming to scale up their commitment to combat violence against female population groups, particularly in the domestic sphere. The end goal is to promote gender equality and the empowerment of women in Arab societies.



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