

Combating Gender-Based Violence in the Arab World

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In the Arab world today the movement to eradicate gender-based violence is focusing on eliminating gender inequality and on addressing social, legal, and familial relationships that condone violence. Non-governmental organizations and other partners in civil society are drafting and proposing amendments to present laws that will help eliminate gender inequality and provide the opportunity to rethink and reconstruct social relationships in the region. However, when I set out to explore this work in Lebanon it became clear that the calls for state implementation of laws targeted at eliminating violence against women on the ground are caught up in a process of translation that must address a number of complex and sometimes conflicting concerns. This is clearly reflected in the section where the controversy over the draft law aimed at protecting women from family violence is discussed. From the very beginning, stakeholders involved in drafting the law knew that they were working within a context that needed to address religious, social, familial, and political boundaries. The very choice of the word 'family violence' emanated from the conviction that the term 'domestic violence' does not encompass the violence within the Lebanese social and familial context.

Furthermore, the draft law generated a great deal of discussion with respect to including an article that would penalize rape within a marital context while concurrently admitting that the existing penal code acknowledges that rape can occur in all contexts except within a marital framework. Three years after the drafting of the law no agreement could be reached regarding the terminology that should be used in the text to refer to marital rape. The final text produced, as a compromise, did not include the term rape, and made sure to maintain the authority and jurisdiction of the religious courts which can supersede the state with respect to family matters: "In case the provisions of the present law go against those of the Personal Status Code and the rules of jurisdiction of the religious courts, the provisions of the latter shall prevail". Despite this major drawback the Sunni higher authority Dar al-Fatwa rejected the draft law, accusing it of being a foreign imposition and an attack on the preservation of the family and patriarchal authority. However, in the weeks following the release of the statement by Dar al-Fatwa, it became clear that these objections were supported by other women and women's organizations, clearly demonstrating that the National Coalition for the Protection of Women from Family Violence had not cast its net wide enough.

There also seems to be a divide between secular and faith-based communities which has prevented full mobilization with respect to protecting women from family violence to take

place. Keeping in mind the present political climate in the Arab world, the way forward hinges on understanding and bridging the gap between faith-based communities and secular organizations. Primary prevention strategies for combating gender-based violence on a wide scale are in dire need of understanding the challenges posed by the existence of state structures that have relegated the family and home to religious institutions that are essentially conservative and patriarchal.

The articles selected for this issue are a reflection of how the region is challenged today in the struggle to eliminate gender-based violence. We have chosen to include “A Commentary on Religion and Domestic Violence” published by the FaithTrust Institute because of its value in addressing the discussion on violence within the family from the standpoint of the three monotheistic religions. It argues that religion itself does not sanction domestic violence but can act either as a conduit or inhibitor. Furthermore, the commentary stresses the need for further engagement between secular and faith-based institutions in dealing with this critical issue, keeping in mind that addressing domestic violence from a strictly secular or a strictly religious perspective is insufficient.

Fatima Sadiqi’s article “Domestic Violence in the African North” starts with a critical overview of existing theories of domestic violence and points to the limited ability of these theories in helping us understand domestic violence in the context of the African North today. She argues that the changing nature of the family in the African North requires of us to revisit these theories in an attempt to make headway in the area of policy making for gender equality and the eradication of gender-based violence.

Azza Charara Baydoun’s article entitled “Women Reporting Violence: Conditions and Implications” is one of the very few empirical studies which examine local NGO strategies in dealing with domestic violence in Lebanon. This paper, which summarizes the main finding of a larger study by the author, examines the prevailing social, familial, and legal contexts that condition the choices of some women in abusive relationships with respect to reporting domestic violence and trying to put an end to it.

May Abu Jaber, in her article “Murder with Impunity: The Construction of Arab Masculinities and Honor Crimes”, examines the violence perpetrated by men against women as a social construct regulated by the state and embedded in cultural and religious traditions of a given community. She argues that the “regulation of sexuality in a gender specific (patriarchal) manner” allows for “the silent epidemic of social and structural violence against young men” (p. 38). Her article is a contribution to understanding honor killings as a reflection of gender-based violence that is inherently tied to how certain patriarchal structures and cultural norms produce men who are both perpetrators and victims of violence.

This brings us to the article by Magda El-Sanousi and Ghida Anani on “Working with Men and Boys: A Strategic Choice in the MENA Region to end Gender-Based Violence”. This article draws on a series of attempts at incorporating men into the struggle to eliminate violence against women in several countries of the region. The authors, in their examination of the work carried out by international and local non-governmental organizations, document to some of the very first discussions on understanding the social construction of gendered relationships and the need for a participatory approach that includes men in order to effectively eliminate gender-based violence.

Stephanie Chaban, in her article “Women and Security: Findings from an Assessment on the Security Perceptions of Palestinian Women and Girls”, draws on a study that was carried out by the Geneva Centre for the Democratic Control of Armed Forces. The author’s contribution lies in adding to the body of work that highlights how women’s feelings of insecurity are directly tied to the absence of a state structure that can uphold their right to live free of various forms of violence (domestic violence, occupation or war-related violence, etc.).

Kathleen Hamill’s article, “Structural Violence and Human Trafficking: Migrant Domestic Workers in Lebanon”, is an exploratory study of Lebanon’s unjust legal system with respect to foreign domestic workers. This study is valuable and fills a research gap in the literature on foreign domestic workers in Lebanon. It identifies and analyzes the key factors that make migrant domestic workers vulnerable to human trafficking in Lebanon namely: the sponsorship system, the recruitment process, and the lack of labor protection and legal redress. It also sheds light on structural violence that subjects migrant women to systemic oppression and increases their vulnerability to human trafficking.

Moha Ennaji’s article “Violence Against Women in Morocco” offers an overview of the progressive laws that have been passed to promote women’s rights and eliminate violence against them, but not without including a cautionary word on the challenges that still have to be faced. Ennaji’s article sheds the light on the fact that most domestic workers are underage girls from rural areas of Morocco who are recruited to work in the cities and the many challenges that the state faces as it tries to combat this widespread problem with new laws.

The final section of this issue is a compilation of short articles and essays that address the controversial draft law to protect women from family violence in Lebanon. We have chosen to include some of the main articles of this draft law to help the reader understand the controversy generated by this bill. Also included is the public response issued by Dar al-Fatwa, the highest Sunni Muslim authoritative body in the country which objected to the draft law and threatened to exercise its rights under article 9 of the constitution if parliament attempts to adopt it. This is followed by the counter response of the National Coalition to Protect Women from Family Violence which addresses point by point the concerns and the objections raised by Dar al-Fatwa. Also included in this section is a published commentary on domestic violence by the Greek Orthodox Bishop George Khodor who argues that the issue of family violence and the law related to it does not reflect a divide between Christians and Muslims but a divide between liberals and traditionalists who are from various religious groups in Lebanon.

I was concerned with the inability to cover a wide range of issues on gender-based violence. This issue certainly cannot cover all forms of gender-based violence in the Arab world but highlights some of the most pressing concerns being dealt with today. *Al-Raida* in its cognizance of the importance of this topic has addressed violence against women on various occasions in previous editions and will hopefully continue to explore the complex facets of this salient topic in future issues.

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