

LEADING TO CHANGE:
ELIMINATING VIOLENCE
AGAINST WOMEN IN MUSLIM SOCIETIES

Symposium Report

Women's Learning Partnership (WLP)

With the support of the **United Nations Population Fund (UNFPA)**

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March 1, 2005



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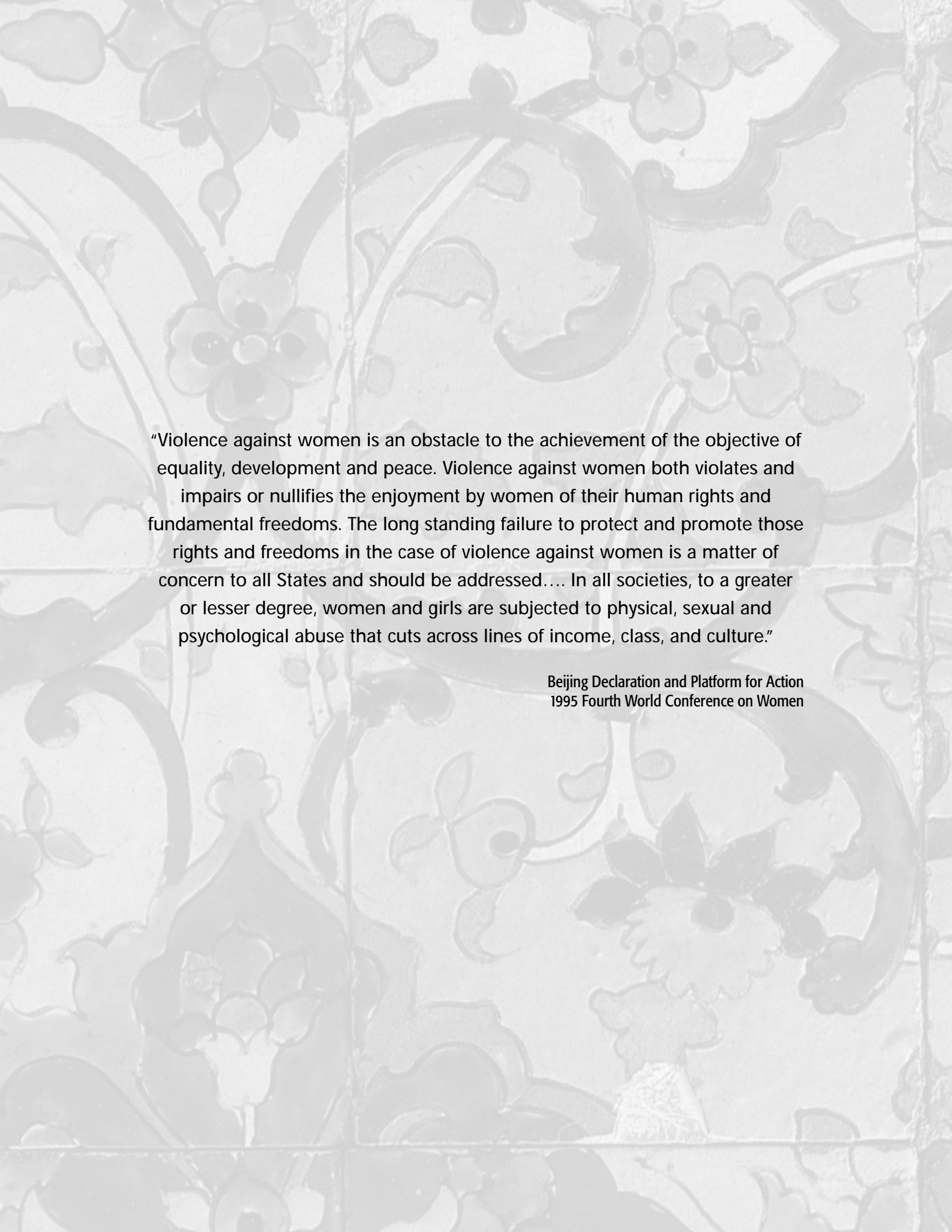
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Symposium date March 1, 2005
Location: Plaza Room
The Church Center
777 UN Plaza
New York, NY

WLP is grateful to the
United Nations Population Fund
(UNFPA) for their generous
support of this conference.

About the Organizer:

The Women's Learning Partnership for Rights, Development, and Peace (WLP) is an international, publicly supported, nonprofit organization that empowers women and girls in the Global South to reimagine and restructure their roles in their families, communities, and societies. WLP achieves this goal through creating culture-specific learning materials, providing leadership training, supporting capacity-building, and helping women use new technologies to generate and receive information and knowledge. WLP conducts its work in cooperation with partner organizations located in Africa, Asia, and the Middle East, and with members of an international network of experts. WLP is an independent, nongovernmental organization in Special Consultative Status with the Economic and Social Council of the United Nations.



"Violence against women is an obstacle to the achievement of the objective 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."

Beijing Declaration and Platform for Action
1995 Fourth World Conference on Women

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Speakers



Hafsat Abiola (Nigeria) is the founder and executive director of the Kudirat Initiative for Democracy, which seeks to strengthen civil society and promote democracy in Nigeria by offering organizational support, leadership development and skills training opportunities to women, youth, and community-based organizations in Nigeria as well as other countries in Africa. Abiola is involved in the global movement to empower youth and women and to strengthen democracy. She is a founding member of the State of the World Forum's Emerging Leaders Program, and Global Youth Connect.

Mahnaz Afkhami (Iran/USA) is founder and president of the Women's Learning Partnership, executive director of the Foundation for Iranian Studies, and former minister of state for women's affairs in Iran. She serves on advisory boards for a number of national and international organizations. Afkhami has been a leading advocate of women's rights internationally for more than three decades, and has written and lectured extensively on women's human rights, women in leadership, and women, civil society, and democracy. In addition to her seminal work on training manuals, Afkhami is editor of *Faith and Freedom: Women's Human Rights in the Muslim World*, co-editor with Erika Friedl of *Muslim Women and the Politics of Participation*, and author of *Women in Exile* and *Women and the Law in Iran (1967-1978)*.

Zainah Anwar (Malaysia) is the executive director of Sisters in Islam, a group of professional Muslim women committed to promoting the rights of Muslim women. An advocate for women's rights under Islam and the possibilities for alternative interpretation of the Qur'an, she was formerly a member of the human rights commission of Malaysia, a chief program officer for the political division at the Commonwealth Secretariat in London, and a senior analyst at Malaysia's Institute of Strategic and International Studies. She was also a political and diplomatic writer for *The New Straits Times* in Kuala Lumpur. Her book *Islamic Revivalism in Malaysia: Dakwah Among the Students* is a standard reference in the study of Islam in Malaysia.

Charlotte Bunch (USA) is the founder and executive director of the Center for Women's Global Leadership. Her publications include the center's reports on the UN Beijing Plus 5 Review process in 2000, and the World Conference Against Racism in 2001. She is on the advisory committee for the women's rights division of Human Rights Watch, the board of the International Council on Human Rights Policy, and the advisory council for the Ethical Globalization Initiative. Bunch is a distinguished professor in the Women's and Gender Studies Department at Rutgers University.

Yakin Ertürk (Turkey) is the special rapporteur on violence against women, its causes and consequences in the United Nations Commission on Human Rights. Ertürk is chair of the Gender and Women's Study Program in the Department of Sociology at the Middle East Technical University in Ankara, Turkey. Previously, she was director of the United Nations Division for the Advancement of Women and director of the United Nations International Research and Training Institute for the Advancement of Women.

Hilary Fisher (United Kingdom) is the director of Amnesty International's Stop Violence Against Women campaign. She has been engaged in research and action on women's human rights and human rights defenders for many years and represented Amnesty International at numerous external meetings including the 2004 UNIFEM/ILAC conference on gender justice in post-conflict situations, and the UN meeting on developing gender sensitive guidelines. Her previous posts at Amnesty International have included head of the Office of the Secretary General, and researcher on Eastern Africa.

Noleen Heyzer (Singapore) is director of the UN Development Fund for Women (UNIFEM) where she serves as the UN's chief advocate for gender mainstreaming within the institution and internationally. She is the former head of the gender and development program in the Asian and Pacific Development Centre in Kuala Lumpur, and a founding member of Development Alternatives with Women for a New Era, a network of women leaders. She has lectured and published extensively, most recently on the subject of women and the process of globalization.



Charlotte Bunch and Ayesha Imam

Ayesha Imam (Nigeria) is a women's human rights activist, as well as a researcher, writer, and trainer on gender issues. She serves as chief of the culture, gender, and human rights branch of the UNFPA, and is the former executive director of Baobab for Women's Human Rights, a Nigeria-based nonprofit organization working for women's human rights and legal rights under customary, religious, and secular law in Africa and internationally. In 2002, Imam and Baobab won the Humphrey Freedom Award for their work defending and promoting women's rights under Muslim criminal laws enacted in northern Nigeria. She also works actively as part of the core group of Women Living Under Muslim Laws, an international solidarity network. She has researched, lectured, and published widely on women's human rights, women's rights and Muslim laws, gender analysis, gender in development, and democracy issues.

Devaki Jain (India) is a founding member of Development Alternatives with Women for a New Era. She is a women's rights advocate and development economist. Jain was a member of the government of Karnataka's state planning board and has been a member of several expert groups of both the Government of India and UN agencies. She is former director of the Institute of Social Studies Trust and has taught in Delhi University.

Amina Lemrini (Morocco) is a founder and member of the Moroccan Human Rights Organization (OMDH) and a member of the executive committee of the Association Démocratique des Femmes du Maroc, a nongovernmental organization working for the promotion and defense of women's rights in Morocco. She is on the board of directors of Collectif 95 Maghreb-Egalité, a network of women's associations and women researchers from Algeria, Morocco, and Tunisia committed to preventing violence against women. Lemrini has lectured and published on a variety of issues dealing with human rights, particularly on the rights of the child and women.

Rabéa Naciri (Morocco) is president of the Association Démocratique des Femmes du Maroc/Rabat, one of the largest Moroccan NGOs focused on the rights of women. Naciri is the former executive director of the Collectif 95 Maghreb Egalité, a network of women's associations and women researchers from Algeria, Morocco, and Tunisia committed to preventing violence against women. Trained as a geomorphologist, she is a professor in the faculté des lettres et sciences humaines at the University of Rabat in Morocco. Naciri has written several articles and other publications on Arab women and poverty, women and Islam, capacity-building for women, and strategy development for the promotion of women's rights.

Sakena Yacoobi (Afghanistan) is the founder and president of the Afghan Institute of Learning (AIL), an Afghan women's NGO which provides teacher training, health education, school support, women's leadership and human rights training, and literacy programs for Afghan women and girls in Afghanistan and Pakistan. Under the Taliban regime, AIL ran underground schools and hospitals for women and girls. Today, AIL provides training to thousands of women and girls and runs many mobile health clinics throughout the region. Yacoobi is also vice-president of Creating Hope International, a Michigan-based nonprofit organization. She was awarded the 2004 Women's Rights Prize of the Peter Gruber Foundation for her courageous efforts to advance women's rights and opportunities.

Summary



The Women's Learning Partnership for Rights, Development, and Peace (WLP) convened an international symposium entitled "Leading to Change: Eliminating Violence Against Women in Muslim Societies" in New York on March 1, 2005. The symposium was planned to coincide with the forty-ninth session of the United Nations Commission on the Status of Women (CSW) and the tenth anniversary of the Fourth World Conference on Women in Beijing, which convened from February 28 to March 11. The goal of this session of CSW was to review the implementation of the Beijing Platform for Action, and the outcome documents of the special session of the General Assembly (entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century"), and also discuss current challenges and forward-looking strategies for the advancement and empowerment of women and girls.

According to the Beijing Platform, violence against women "derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to sex, but also to race, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society." Women have been systematically deprived of knowledge and skills that might help them to become better equipped to protect themselves against violence, including knowledge of existing laws, religious texts, international injunctions on human rights, and demands made by other women for rights in their community and elsewhere.

WLP's symposium provided a forum for prominent women leaders and activists from Muslim-majority societies to address major challenges to eliminating violence against women and girls and discuss grassroots, national, and regional efforts focusing on prevention and awareness raising, as well as ongoing efforts to reform legislation on violence and women's human rights. More than 250 participants representing forty countries attended the event. They included WLP board and international advisory board members, representatives of WLP partner organizations, government ministers and representatives, United Nations country and convention delegates, leaders of international nongovernmental organizations, representatives of leading international media, and women activists representing organizations from Africa, Asia, Europe, Latin America, the Middle East and North America.

Speakers' presentations reflected their work on women's rights as academics and as leaders of grassroots and international organizations. Noleen Heyzer, executive director of the United Nations Development Fund for Women, chaired the first session entitled "Breaking the Silence: Culture, Conflict and Extremism." Heyzer spoke about the cultures and economics of war and impunity. Nigeria's Ayesha Imam, chief of the Culture, Gender, and Human Rights branch of the United Nations Population Fund, presented a theoretical framework for discussing dominant culture, extremism and fundamentalism. Afghanistan's Sakena Yacoobi, founder and president of the Afghan Institute of Learning, spoke about the culturally and religiously-sensitive grassroots training workshops her institute conducts to raise awareness about various forms of violence.

Yakin Ertürk, UN special rapporteur on violence against women, its causes and consequences, chaired the second session of the symposium entitled "Sharing the Future: International Perspectives." Ertürk addressed the common agenda of eliminating violence against women and enhancing the status of women. Hilary Fisher followed with an overview of what Amnesty International is doing to eliminate violence against women. Devaki Jain, founding member of Development Alternatives

with Women for A New Era (DAWN), spoke about the challenges facing women in Asia in the campaign to stop violence against women and called for a revival of international feminist solidarity through the United Nations. Charlotte Bunch, founder and executive director of Center for Women's Global Leadership, gave an international perspective on the role of the state, the war against terror, and international developments in combating violence against women.

WLP President Mahnaz Afkhami chaired the closing session, entitled "Leading to Change: Women, Empowerment, and Justice." This session was devoted to sharing specific experiences in advocacy, capacity building, legislative reform, and mobilization efforts in Asia, Africa, and the Middle East. Afkhami discussed the relationship between power and violence and the successful strategies employed by the WLP partnership to empower women using the cultural resources of each community. Nigeria's Hafsata Abiola, founder and executive director of the Kudirat Initiative for Democracy, described the empowerment and leadership training she received at the Africa Regional Institute for Women's Leadership, which WLP convened in Calabar, Nigeria in February 2005. Zainah Anwar of Malaysia, executive director of Sisters in Islam, discussed the strategies and challenges of implementing existing legislation on domestic violence in an Islamic society. Morocco's Rabéa Naciri and Amina Lemrini, from the Association Démocratique des Femmes du Maroc, presented their organization's successful campaign of changing the Moroccan Family Code to remove discriminatory clauses and protect women from violence.

In summary, this symposium provided a forum for women from Muslim-majority societies to discuss their experiences meeting challenges and creating effective strategies to eliminate violence against women and end impunity for perpetrators of violence. It also provided an opportunity to hear international perspectives and review major global governmental and nongovernmental programs, campaigns, and action plans. Participants engaged in active exchanges on the root causes of violence, the economic, social and developmental costs of violence, the extremist's use of tradition and religion to perpetuate violence in the private and public sphere, and the potential impact of strategies utilizing positive religious and cultural interpretations. Finally, this symposium provided a unique opportunity for women from Muslim societies to connect and establish contact with international organizations and networks, share their experiences with activists from other backgrounds, and bring about closer ties and better understanding across cultural and ethnic lines.

Opening



Mahnaz Afkhami, founder and president of the Women's Learning Partnership, welcomed participants and expressed gratitude to the United Nations Population Fund for supporting the symposium with resources as well as inspirational ideas and strategies. The problems faced by women living in Muslim societies have resulted from tradition, history, and culture—the same foundation that has caused women in other parts of the world to suffer violence, discrimination, and abuse of rights. Therefore, Islam is not the problem. Rather, it is the misuse of Islam by interpreting it to fit the needs of the patriarchal order—the powers that be—and the privileges that one gender has held over the other.

What women across the world have in common is clearly more important and more valuable than what sets them apart. An important part of the ongoing struggle for women's human rights, then, must be to find ways to bring together women from different cultures—transcending the political and cultural divides that are contemporary effects of traditional patriarchal



Noeleen Heyzer and Mahnaz Afkhami

politics—and work toward solutions for common human problems. This coming together is not exclusively a women's project. It brings the women's rights perspective, which is fundamentally gender-inclusive, to choices that need to be made for a more productive and humane future for everyone. This historical necessity provides a reason and an opportunity for women leaders from all regions to cooperate in defining problems and finding solutions.

In weighing universal rights against the particularities of specific cultures and religions, we must remember that much that ails our societies across the globe is caused by a common patriarchal "order of things," which has placed material acquisition, cutthroat competition, and individual aggressiveness at the top of the pyramid of values. This has brought about a highly hierarchical system of interaction, producing violence at the personal as well as communal, national, regional, and international levels. This leads to the question of whether women should wish to be like men in the existing order of things. Women have often expressed a desire for equality with men. "We have taken the male individual as the norm," said Afkhami, "and have tried to emulate the characteristics possessed and admired by him and by the social order that is largely his creation. In view of the violence that pervades our lives today, it behooves us to ask once again: Is this what we wish for our societies, our world and ourselves as we move into the twenty-first century?"

The patriarchal power structure that raises intellectual and social obstacles to women has also traditionally prevented women from gaining knowledge as a foundation for achieving rights. Therefore, any human rights effort must involve education, which at its core must deal with politics and its relationship to both knowledge and power. Since the distribution of power is so unfair to women across the globe, however, women must mobilize men to cooperate in achieving human rights goals or much that is stated in the Beijing Platform for Action will remain unaccomplished. "Our politics, in other words," she said, "must be a politics of engagement since, on the one hand men control all political arenas in which the struggle for rights must be waged, and, on the other hand, political action at the community, national, and international

levels is axial to the rest of the items of rights enumerated in the platform.” This axis hinges on the ability of women to lead their environment, so all constructive efforts for the development and promotion of human rights, regardless of their specific economic, social, or cultural content, are exercises in political leadership. This fact is intimately known to those who have fought for women’s human rights in the field. It is true regardless of the cultural and social environment of the struggle. History shows that rights and political power are intertwined and that awareness is the first step toward gaining rights.

Afkhami closed her remarks by detailing the basis for this symposium. First, this was an opportunity for all participants to rethink and reexamine strategies to end violence against women. Second, WLP chose to focus on Muslim societies at this symposium because women living in Muslim societies are living in times of historical significance. On the one hand there has been a resurgence of extremism and violence in these societies due, among others, to poverty, poor governance, a lack of choice, hopelessness, and false interpretations of culture and religion. On the other hand, women in these societies have spearheaded extraordinary movements to build strong civil societies, and have campaigned for change and legislative reform. These dynamics have contributed to cultural turbulence and reexamination. Muslim women must deal with the introspective aspects of this reexamination, but also negotiate what the outside says regarding Muslim women. Their challenge is how to be free women participating in decision making while not losing touch with their culture and religion.

SESSION ONE

Breaking the Silence: Culture, Conflict, and Extremism



KEYNOTE ADDRESS: GENDER JUSTICE IN POST-CONFLICT COUNTRIES

Noeleen Heyzer, Executive Director
United Nations Development Fund for Women (UNIFEM)

Gender-Based Violence

Noeleen Heyzer opened her remarks with a reminder of how justice and accountability are critical to the healing process for victims of gender-based violence in post-conflict situations. Gender-based violence in times of conflict is part of a continuum of violence that runs through women's lives, and its origins lie in discrimination and inequality. Still, great strides have been made in setting normative standards and legal frameworks, and the challenge now is to implement and replicate existing laws.

Legislative reform, however, must also be accompanied by training and reform of the criminal justice system to develop sensitivity to women's need. There is a need for simultaneous, multilevel interventions that address the root causes of violence, including the social, economic and political status of women. Coordinated community-level interventions must bring together men, local government and traditional leaders, medical and legal professionals, and the leaders of women's organizations, so that the framework of international and national laws can be connected to women's realities.

The fundamental building blocks for stopping violence against women reside in constitutions with strong and clear guarantees of gender equality...

Gender Justice in Post-Crisis Situations

Achieving gender justice requires integrating gender perspectives into every dimension of justice, and getting women to participate in shaping justice frameworks and rule of law institutions in ways that promote their human rights, legal equality and inclusion. UNIFEM supports women to seek legal justice to address discriminatory laws, restorative justice to address human rights violations and war crimes, and distributive justice to address structural and systematic injustices. The fundamental building blocks for stopping violence against women reside in constitutions with strong and clear guarantees of gender equality, legal reforms that ensure equality in marriage and family relations, property ownership, and equal access to secure employment and livelihoods. Gender justice also depends on equal representation in all facets of government and on judicial processes that fully ensure and protect women's entitlements on an equal basis with men.

DOMINANT CULTURE, SOCIAL CONSERVATISM, EXTREMISM, AND FUNDAMENTALISM

Ayesha Imam, Chief
Culture, Gender, and Human Rights branch
United Nations Population Fund (UNFPA)

Culture

Ayesha Imam opened session one with a perspective on the nature of the complex and multifaceted construct we call “culture.” Every society has dominant ideologies which are part of the dominant culture of that society. Dominant ideologies support a culture’s status quo, and people and groups in power work to reinforce the dominant culture to ensure that it is accepted by most people and agreed to as the natural order of things. What aspects and understandings of culture become dominant depends on who has the power to define, transmit, legitimate and enforce them. One example is a passage from the Qur’an which can be used to validate or invalidate polygamy depending on who interprets the passage and how. Culture is not static, and its interpretation depends on power relations and sociopolitical situations at particular times and in particular places. Culture, tradition and religion always contain contradictory concepts. Subordinate cultures exist alongside the dominant culture—such as those based on the realities of marginalized groups like women or poor people.

Women’s rights should not be portrayed as being in opposition to family, religious, ethnic or community rights.

Social Conservatism and Extremism/Fundamentalism

During times of change and instability, cultural understandings are particularly subject to controversy. Manuel Castell’s concept of “defensive identity communities” shows that religions can provide people with a compass and an anchor during times of global changes. Similarly, ethnic nationalism provides fixed identities and impermeable community boundaries. In the vulnerability and changes resulting from globalization, fundamentalism and extremism have grown all around the world. In Africa, Asia and Latin America, for example, increasing poverty and forced structural adjustment programs have resulted in the state’s abdication of its responsibility for social development, and in governments which do not guarantee state responsibility for social services like education, or protecting women against violence. The experiences of social and economic trauma, loss and social disconnectedness, with the loss of credibility in the hope of progress, in nationalist promises, in the ideologies of capitalism or communism create conditions in which the poor are more susceptible to the certainties offered by conservatism and fundamentalism.

However, it is not only the poor who engage in fundamentalism and extremism, as is witnessed by the growth of the religious right in the United States, or the often middle-class and wealthy backgrounds of Al Qaeda ideologues. Fundamentalist movements are political movements with religious, ethnic and/or nationalist imperatives. They construct a version of this imperative of a collective identity as the only true, authentic and valid one and use it to impose their power and authority over “their” constituency, which can vary from a particular community to most of humanity. The religious right is playing a crucial role in identity politics everywhere and the linkages that exist among politico-religious groups and between them are increasingly clear. Fundamentalist movements often stoke each other’s fires, either through collaboration or through confrontation, and all have at least one principal dogma in common—to control women.

Strategies for Eliminating Violence Against Women

There are three broad strategies for resisting encroachment on the rights of women. First, there is work within the cultural or religious discourse to challenge norms and reinterpret religious texts as has been done spectacularly by Sisters in Islam in Malaysia. Second, women can work in secular arenas to challenge existing laws and traditions that negatively impact women. Such work, like the secular forms of resistance to Muslim fundamentalism in Algeria has been documented by Louise Ait-Hamou. Third, women can employ a double claim and critique strategy, which draws from both cultural-religious norms and traditions, and from formal national and international human rights, such as the work by Baobab for Women's Human Rights in Nigeria. Fundamentally, however, we must recognize that cultural practices and power relations are dynamic and continually changing. In doing so we can help move the discussion over women's rights beyond individual versus group rights arguments. Women's rights should not be portrayed as being in opposition to family, religious, ethnic or community rights. What is being challenged is not the community per se, but the current definitions of community norms and culture, and the powers of cultural gatekeepers to maintain these definitions in the face of demands from other members of the community. In supporting the struggle against violence against women attention must be paid to supporting the work and definitions of those in the community who experience and fight against the violations of their rights.

Finally, in all strategies there is a need to break the silence and collusion through silence. Because gender-based violence is sustained by silence, women's voices must be heard. UNFPA puts every effort into enabling women to speak out. The Fund is also committed to keeping gender-based violence in the spotlight as a major human rights and health concern.

CHANGING CULTURAL PERCEPTIONS IN AFGHANISTAN

Sakena Yacoobi, Founder and President
Afghan Institute of Learning (AIL)

A Grassroots Perspective

Sakena Yacoobi offered symposium participants a grassroots perspective of how women's organizations are implementing programs to change cultural perceptions in Afghanistan. AIL operates in a post-conflict society among refugee women in Pakistan and resettled families in Afghanistan. Regardless of who was in control of Afghanistan during the country's nearly three decades of recent war, women and children were always the first victims.

The Role of Education

AIL provides education to refugees and resettled women in Pakistan and Afghanistan as a strategy to eliminate violence against women. Education enables women to speak in a manner that is sensitive to culture, religion and tradition so they are not ignored as ignorant. The organization uses



innovative and creative methods to ensure that women can bring about change through education. Culture and religious sensitive education is especially relevant in Afghanistan because the Afghan people were made to believe that the Russian invasion happened because of the use of education.

AIL established a Women's Learning Center in refugee camps in Peshawar, Pakistan so that women could sit together and discuss issues of family, physical, economic and social abuse. The women are educated in accordance with Islam, which she emphasized gives them many rights that are sometimes lost through misinterpretation of the Qur'an. AIL encourages women to read the Qur'an for themselves and interpret the text because Islamic texts on inheritance, marriage law and equality can be interpreted to promote women's rights, human rights and democracy. Afghan women have also been empowered through access to news and information on the Internet, which enables them to communicate with women's organizations around the world. Bringing education to villages, poor women begin to understand that they have rights and voices, which empowers them to participate meaningfully in the social, economic and political developments in their communities.

Bringing education to villages, poor women begin to understand that they have rights and voices...

SUMMARY OF SESSION ONE DISCUSSIONS

Participants raised many issues in the discussion portion of session one, from violence against women to the relevance of the war on drugs, which has caused increased militarization and gun violence in many communities. They highlighted the need for access to specific programs and plans to promote equal rights under Shari'a law, and addressed the power of cultural gatekeepers like the media in reporting, creating awareness and educating the public about gender-based violence in different countries. Participants also shared their experiences of challenging oppressive religious laws and cultures. One participant from South Asia spoke of how she had challenged a traditional custom couched in religious terminology that required her to change both her first and last names after she married into Islam. Another gave an account of women's lives in Afghanistan and how perpetrators of violence against women during times of conflict are still forcing young girls into marriage. Participants shared strategies for dealing with these challenges. They highlighted the need to confront the dichotomy created when states profess to support rights but do not intervene when tradition does not support those rights. Participants noted that the issue of gender-based violence needs to be raised within the current political discourse because the women's rights discourse is political. They also recommended that the debate on violence against women should involve more men because it is a human rights issue, and they recognized the need to link this discourse to that of children in armed conflict and the need for women's groups to get involved in rehabilitating girls who were child soldiers.

In concluding session one, Heyzer called on women to take advantage of the globalized world and use the Internet to build effective networks outside state control where women can share and learn from one another. She appealed to women to take up the cause of children in conflict, adding that, "In many countries, women become the last threshold of hope before children become soldiers. Violence against women has to be addressed in the context of human security since violence has become the major cause of women's insecurity."

SESSION TWO

Shaping the Future Together: International Perspectives



KEYNOTE ADDRESS: THE COMMON AGENDA OF ELIMINATING VIOLENCE AGAINST WOMEN AND ENHANCING THE STATUS OF WOMEN IN ALL SOCIETIES

Yakin Ertürk, UN Special Rapporteur
Violence Against Women, Its Causes and Consequences

Introduction

Yakin Ertürk began her address by summarizing the consensus of the morning session that no view of Islam held by politicians or other parties can be independent of women's conscience. In order to ensure freedom of religion and freedom of choice based on human rights, women must fight for secular, democratic and inclusive societies where women and men can both claim the right to interpret their religion. She encouraged women and men to expand the spaces in which diverse people can coexist in inclusive political regimes because the world is not homogeneous and diversity must not be encroached upon.

Patriarchy and Unequal Gender Relations

The agenda for women's rights is not a battle of the sexes but a battle of the subordinate against the oppressor. Patriarchal systems create unequal gender relations with unequal definitions of masculinities and femininities that are deeply entrenched in our self-images and institutions. Hegemonic masculinity subordinates both men and women and so both sexes have a stake in creating egalitarian societies by "deconstructing masculinity" in order to eliminate rules of unequal relationships. Through activism, women and men are trying to change how patriarchy is defining us, and even though this struggle has not yet reached a transformative stage the older generation of women activists has expanded women's space within the existing patriarchal order. By doing so, they hope to create contradictions, which will rupture patriarchy and lead to transformative change.



Hilary Fisher (left), Yakin Ertürk, and Charlotte Bunch

Focus on Muslim Women

Muslim women are the focus of this symposium not because we have suddenly become aware of their existence, but because Islam has been pushed to the center-stage of world politics. Some

have described the current era as the clash of civilizations, but in fact, this clash is still about the old struggle between the haves and the have nots. We are living at a time in human history when a great deal of affluence exists alongside increased poverty and widespread conflict.

Following the end of the Cold War, the polarized struggle of mega-ideologies gave way to identity politics which fragmented identities around ethnic and religious lines. Today, the sudden shrinking of the world through the Internet and telecommunications has meant that more people are confronting this diversity.

Within this context, women have become the center of political discourse—an “issue” where cultural distinctiveness finds expression. The debate over women’s status in society has become most visible in the case of Muslim women, whose physical appearance constitutes a political statement for religious fundamentalists. In non-Muslim societies, Muslim women are increasingly becoming marked as the “other.”

There are basically two problems with such a perception: (1) the term presupposes homogeneity, thereby creating an imagined category; and (2) such conceptualization singles out Islam as the source of the problem, thus overlooking the overall radicalization of religion as a political tool of patriarchal control over women in all societies. Therefore, we must reject such constructs and instead focus on the use of culture and religion as a political tool to constrain rights and liberties.

In the meantime, the global commitment to women’s advancement is still piecemeal. Women need to continue their struggle. Recall the recent effort of the Turkish women’s movement to get the European Union involved in amending their country’s criminal code. The priorities for the EU in their review of Turkey’s candidacy centered on economic reforms or mainstream human rights issues. The EU showed little concern over women’s issues until the women’s movement pressured them to make demands on their behalf to the Turkish government to abandon discriminatory provisions in the criminal code.

Security versus Human Rights

Following the devastation of 9/11, people everywhere have been asked to give up their civil liberties in order to achieve security, and this poses a major challenge to the human rights discourse today. The boundaries of security and human rights have blurred, and increasingly, measures are put in place which infringe on human rights under the guise of security.

[Since] 9/11, people everywhere have been asked to give up their civil liberties in order to achieve security, and this poses a major challenge to the human rights discourse today.

In many parts of the world this infringement has heightened violence against women, a phenomenon which is universal and takes many forms: Women are killed and their murderers go free, they are terrorized in and outside their homes, in times of peace or war, or they commit suicide to escape abusive relations or avoid forced marriage. In most cases violence against women is justified on the grounds of culture, religion and security.

It is interesting to observe that countries that form an “alliance” in their resistance to ratify the Convention on the Elimination of Discrimination against Women (CEDAW) are at odds with one another when it comes to other matters.

CHALLENGES OF GLOBAL CAMPAIGNING TO END VIOLENCE AGAINST WOMEN

Hilary Fisher, Director
Amnesty International's Stop Violence Against Women Campaign

Amnesty International's Focus

Hilary Fisher presented Amnesty International's approach to addressing violence against women. Amnesty International makes recommendations regarding the pervasive nature of violence in all societies, including Muslim societies. The focus of this particular campaign has been on violence within the family as well as violence in conflict and post-conflict situations. In country-focused campaigns, Amnesty International has highlighted how women are disproportionately sentenced to death in northern Nigeria. In Turkey, Amnesty International has campaigned with women's rights activists on domestic violence legislation, called for an increase in the number of shelters, and challenged impunity. Amnesty International has called on governments in the Middle East and North Africa to remove their reservations to CEDAW and is currently working to eliminate discriminatory legislation in Gulf Cooperation Council countries.

Gender-Based Violence in Conflicts

The factors contributing to violence against women in situations of conflict and militarization have their roots in the pervasive discrimination women face in peacetime as well as during and after conflict. Violence in conflicts devastates the lives of both men and women, but systematic rape, as seen in many recent conflicts, is primarily directed at girls and women.

Consider the case of Gujarat in 2002 when right wing Hindu groups targeted Muslim women as a minority. Amnesty International has focused on the failure of the State of India and the Government of Gujarat to exercise due diligence to protect women and bring perpetrators to justice. In Sudan's Darfur region, women and girls have been targeted because of their ethnicity. However, Darfur—where the type of violence was very similar to that experienced by women in Gujarat—did not receive the same attention from the international Muslim community. Also consider the case of Colombia where control of women's behavior, coercion in matters of sexuality and reproduction, and discrimination on grounds of gender or sexual identity are deeply entrenched.

The factors contributing to violence against women in situations of conflict and militarization have their roots in the pervasive discrimination women face in peacetime ...

Strategies for Preventing Gender-Based Violence

The following strategies should be implemented to help combat violence against women:

- Support and enable women to organize themselves. Women must be fully empowered actors whether it is in refugee camps, peace processes, reparations, or local and national initiatives.
- Put women's rights at the center of every debate, including the security versus terrorism debate. We need

to put human security—including women’s security—and not national security at the heart of the international agenda.

- Highlight the links between violence and other issues such as HIV/AIDS and the feminization of poverty.
- Provide post-conflict survivors with access to appropriate specialized health care, shelter, and justice via access to free legal aid.
- Recognize the creation of gender rights as a mainstream “success criteria” of a reconstructed country, the same as peace and economic recovery.
- Conduct more research to document and expose gender-based violence, and use this research to challenge impunity and hold governments accountable for their responsibility to respect, protect and fulfill women’s rights.
- Abolish discriminatory legislation and ratify and implement international standards.
- Listen to women and believe them. A report published by the UK Home Office attributed a decrease in the number of convictions for rape, down to 5.6 percent, in part to the failure of police and prosecutors to believe women.
- Raise awareness locally and engage men. We need to make violence against women an issue on every agenda and of interest to everyone in all walks of life.

INTERNATIONAL ACTION AND THE IMPACT OF THE WAR ON TERROR ON ELIMINATING VIOLENCE AGAINST WOMEN

Charlotte Bunch, Founder and Executive Director
Center for Women’s Global Leadership

Universality and Diversity

Charlotte Bunch began her address by discussing the violence that exists against women in every culture. Understanding the universality of this violence requires reviewing the diversity in which it manifests itself—understanding the manner in which violence against women intersects with class, religion, culture, race and sexuality, and understanding that culture is not static and that patriarchy has reformed and recreated itself according to emerging circumstances.

Every person—male and female—has a universal right to human rights protection. This does not mean their lives are identical or that they wish to

The focus on antiterrorism and national security has in many quarters resulted in the dismantling of years of progress on various domestic rights issues.

deal with their protection in identical ways. The Convention on the Elimination of Discrimination Against Women (CEDAW) exists because the ways that women experience human rights abuse are usually different from men.

Similarly, in the human rights system there is a convention on racial discrimination because different races experience abuse in different ways. Therefore, this symposium's focus on Muslim societies is part of the process of spelling out the experience of violence against women in specific societies in order to have a more universal picture of how this phenomenon occurs.

Advances in Addressing Violence Against Women

Important steps have been taken by the women's movement to elevate the subject of violence against women on the global agenda—steps such as the creation of Amnesty International's Stop Violence Against Women campaign. As recently as 1989, Amnesty International had rejected the definition of violence against women as a violation of human rights.

Additionally, the women's movement has succeeded in establishing international mechanisms like the office of the United Nations Special Rapporteur on Violence Against Women, an "inside" voice to continually report on this subject to the United Nations.

While there is increased awareness and a more enlightened social consciousness internationally today, violence against women continues to be a widespread problem because:

- Violence against women does not occur in a vacuum but is part of the system of control by which women are kept in their place. Boys are taught they have the right to control women and girls are socialized to be controlled.
- Violence against women manifests itself in relation to other issues. The resurgence of a militaristic world after 9/11 has seen a parallel resurgence in masculine values where domination is the norm and weaker societies must conform to this control.
- The military discourse has impacted on religion and culture and there is a resurgence of "father" as a patriarchal figure and head of the family as well as a resurgence of religious fundamentalism, which portrays itself as the answer to the disruption of family life by globalization. As a result, people have increasingly turned to mythological notions of the traditional family as a way of clinging to a familiar past because it is easier to control family life than the global economy.

Women's organizations must continually challenge fundamentalism and militarism as a central part of their discourse on eliminating violence against women. The focus on antiterrorism and national security has in many quarters resulted in the dismantling of years of progress on various domestic rights issues.

Keeping the focus on human security challenges governments and is important in order to ensure women's security. The UN's recent report on human security failed to fully explore the complex issues of bodily integrity that women have identified as critical to their security. What is needed is an examination of violence against women in its many forms as a major underlying source of human insecurity for women. This examination should be done in and of itself and not simply as a byproduct of other issues.

Control of Women's Sexuality

Violence against women is rooted in the notion that women's sexuality should be controlled by their families or communities. This is a notion derived from our cultures.

Women in all regions of the world must accept and understand that violence against women is rooted in all cultures everywhere, regardless of whether these cultures are traditional or contemporary.

ELIMINATING VIOLENCE AGAINST WOMEN IN MUSLIM SOCIETIES: AN INTERNATIONAL PERSPECTIVE

Devaki Jain, Founding Member
Development Alternatives with Women for a New Era

Militarization and Masculinity

Devaki Jain congratulated WLP for locating the topic of violence against women in the larger context of the global landscape and of violence of every kind in the world. We now live in a more violent world—a more militarized, security-oriented and police oriented world. It is not a world of terrorism, but of state terror which suppresses many kinds of human rights. Governments have moved into the hands of armies because there is no inhibition to discourage militarism. For example, at the very time that this symposium is taking place, the Kingdom of Nepal has been taken over by the army and democracy suspended.

Reference was made to a paper entitled "Feminist Perspectives on 9/11" presented at a roundtable discussion on US and EU foreign policies at the Council on Foreign Relations on March 8th 2002, by Ann J. Tickner of the University of Southern California. In the paper she asked feminist scholars to reflect on post-September 11th ethos and pointed out how during



Devaki Jain (center) speaking with symposium participants

periods of war, masculinity was given extra value on the grounds that men defended the country. The overall jingoism made males into patriots and since women were usually found demonstrating for peace, they were considered to be cowards or unpatriotic. Therefore, such periods of intense militarism underlined patriarchal attitudes by emphasizing the courage of men and the frailty of women. Jain also quoted a wide range of public figures who had made statements which were disdainful of women during this period.

Militarization and Violence Against Women and Muslims

Violence against women has intensified not only due to an increase in militarism, but also because of an increase in inequalities—especially economic inequalities across regions and nations and within nations. In the Gujarat case in India, for example, there have been unbridled vicious attacks on Muslim households and neighborhoods, due in part to the overall hate language and stigmatizing of Muslim communities emphasized post-September 11th by the United States. The panic and paranoia directed against Muslim people, often describing them in demeaning ways such as terrorists and fundamentalists unpatriotic to the countries of their adoption, gave an additional handle for the already existing latent interreligious hostilities that have been everpresent in India. It gave an additional encouragement to attack the Muslim communities.

...we need to reflect on how to rebuild a strong political women's movement which can show its presence in the global landscape and be an influence in the determination of international policies.

Some of these intercommunity hostilities are increasing with the increase in narrower identities due to the pressure of globalization, which tends to enable some people to travel the high road but also leaves many behind. Seeing disparities, seeing the shrinking opportunities available to them, younger generations develop enormous hostilities and in attempting to grab a piece of the distant cake, narrower and narrower identities emerge. This adds to civil conflict as a phenomena of the twenty-first century. This tangible inequality coupled with extraordinary access to knowledge not only through the Internet but through the television (which has become a presence in almost all households) fuels the fire of exclusion from the highroad.

Violence against women is not only a phenomena of Muslim societies, even though it has been made more visible after September 11th. Sex selective abortion in India, for instance, is widely practiced in many parts of the country. According to official Indian census figures, from 1991 to 2001 the infantile sex ratio—the number of female infants compared to male infants in the age group 0 to 1 year—fell by 50 points, suggesting that even over the last decade there was an increase in discrimination against females. This elimination of the female fetus in the womb was curiously more prevalent in better-off communities than among the poor, showing it was motivated not by the push of poverty but a mindset that the female was valueless.

Violence against women as they cross borders due to war, or are punished as part of an attack on the “other” is also a phenomena in all cultures and countries. After the recent tsunami, when there were many children left as orphans, those who went to assist in the rehabilitation found that girls were being selected ostensibly for adoption, but were actually being taken to feed the brothels. Therefore, discrimination and violence against women appeared in many places around the world for many reasons, not only those associated with religion or culture.

Proposals and Recommendations

In thinking of a way forward, there are three spaces where strength needs to be rebuilt. One is the United Nations itself, which has diminished in many ways including its inability to prevent the United States from invading Iraq. Its total preoccupation with humanitarian activities rather than as a guardian of the rights of people and nations has been a retrograde step. Thus, a reform of the UN—not on the subject of security but for human well-being—could be undertaken by the international feminist movement.

The second space that needs attention is the feminist movement worldwide. It has not only become fragmented, but is losing its identity. While the word “gender” has been valuable as an analytical tool and social construct—helping show differentiated gender outcomes, building equality, and providing a new lens to understand and hold back discrimination against women—it is now time to reinvolve the term “women.” Women as a term has a political identity, and the women’s movement therefore becomes a political entity. Such ideas need to be brought back, and we need to reflect on how to rebuild a strong political women’s movement which can show its presence in the global landscape and be an influence in the determination of international policies.

Finally, it is also necessary to rethink theories of development and growth such that they are not linked to patterns which tend to intensify the hardships, insecurities and inequalities for women—particularly women who live in the remote rural areas of developing countries.

SUMMARY OF SESSION TWO DISCUSSIONS

During session two discussions, participants shared experiences from their organizations’ anti-violence campaigns. One participant recounted how her group had picked a verse in the Qur’an (chapter 49, verse 13) that said, “We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other),” and used that quote as a reference point for their campaign to end violence against women. A participant from Europe spoke of the complexity of conceptualizing problems like child marriages, and harmful practices like virginity testing in Europe where society held racist perceptions that other cultures, especially the Roma culture, are backward. Participants also shared the problems that Muslim women were facing as a direct result of 9/11. Muslim women were encouraged to focus on restructuring the world with a focus on tolerance and consensus and to disavow the fallacy that there was a clash of civilizations between the West and Islamic countries. One participant from Gambia informed the symposium that Muslims in her country had never experienced problems of discrimination until 9/11 when Gambians started becoming less tolerant of diversity. In conclusion, Yakin Ertürk summarized the discussion and noted that cultural authenticity has become the last ground on which people are able to defend themselves and that diversity should be promoted while respecting individual human rights. She said that, “Violence against women is not an isolated event and it occurs in a universal and diverse continuum. It is a public concern, and the human rights discourse provides a good tool with which to enter the private space because it penetrates the oppressive hierarchies and notions of inferiority and superiority.”

SESSION THREE

Leading to Change: Women, Empowerment, and Justice



KEYNOTE ADDRESS: MAKING A REAL DIFFERENCE THROUGH WOMEN'S PARTICIPATION IN LEADERSHIP

Mahnaz Afkhami, Founder and President
Women's Learning Partnership (WLP)

Introduction

Mahnaz Afkhami opened her remarks by noting that women's presence alone does not necessarily change the quality of decisionmaking processes nor does it ensure the creation of peaceful, democratic forms of interaction. To make a real difference, women need to increase their participation, but must also redefine leadership itself. It is with this understanding that WLP created a leadership concept that is communicative, interactive, and participatory; that builds on respect for people, power sharing, and consensus building; and that looks to creating a shared vision.

A Unique Curriculum and Methodology

WLP's unique curriculum and methodology embodies the concepts mentioned above and is taught within the structures and processes of learning communities. WLP believes everyone can be a leader, and also a follower—that sharing power and showing respect for others are not abstract concepts but practical methods of creating group synergy that empowers individuals, mobilizes collective action, and produces capabilities larger than the sum of individual contributions.

The goal of WLP's approach is not to preach, but to provide an environment in which each individual discovers her own ability, including how to relate to others, and becomes part of a pool of communicators that produce ideas and solutions

everyone can relate to. In WLP's leadership learning programs, stories are presented of real women who, faced with real situations requiring responses, assumed the role of communicator, worked with others to create a learning partnership, developed a shared vision, and collectively made a winning decision.

Change will require improving our condition through taking an active role in administration, practice, expression, and definition of culture, tradition, and religion...

Workshops organized by WLP partners bring together small groups of women from a variety of backgrounds to discuss a fact-based scenario in each session. Participants then share their views and the choices they would have made. These dialogue-based, interactive exercises help clarify participants' own positions, help them understand alternative ways of looking at

given situations, accept differences in outlook and approach, learn how to work toward achieving shared views, and learn to respect diversity whether or not a common vision is created. This method of learning has proven successful in creating an atmosphere of tolerance, while building self-confidence and conflict prevention skills. The curriculum helps participants move gradually but deliberately from learning leadership concepts and methods to learning concepts and methods for creating learning organizations and societies—societies which are interactive, responsive to their constituents, flexible and evolving, and ready to accommodate change.

Women Redefining Themselves

As Muslim women activists, Afkhami said “it is necessary for us to reinterpret and redefine our cultures and to seek indigenous roots for our rights to change when we must, to search what is authentically supportive of our rights, and to replace what has been shaped to uphold patriarchal social structures. Change will mean transformation. Change will require our taking an active role in administration, practice, expression, and definition of culture, tradition, and religion... It is in seeing our image through our own eyes, not the eyes of others, shaping our life and defining our space through our own choice, not through the dictates of others, transforming our culture and our religion through our own sense of it, not through the dictates of tradition that we will work most effectively to structure a happy, healthy, peaceful tomorrow.”

A LEARNING EXPERIENCE DURING THE AFRICA REGIONAL INSTITUTE FOR WOMEN’S LEADERSHIP

Hafsat Abiola, Founder and Executive Director
Kudirat Initiative for Democracy

Africa Regional Learning Institute

WLP and Nigeria-based partner organization Baobab convened the Africa Regional Learning Institute for Women’s Leadership and Training of Trainers in Calabar, Nigeria in February 2005. Twenty-five women participated, representing women’s organizations from Cameroon, Ghana, Liberia, Nigeria, Sierra Leone, Tanzania, Uganda, and Zimbabwe.

The purpose of this institute was to teach the participatory methodology and facilitation tools women need to become more effective leaders and advocates...

The purpose of this institute was to teach the participatory methodology and facilitation tools women need to become more effective leaders and advocates in the decisionmaking processes that affect their lives, and their roles in family, community, and society. During four days of training, the English edition of WLP’s publication, *Leading to Choices: A Leadership Training Handbook for Women* was used as the primary curriculum in conjunction

with guides from WLP's *Leading to Choices: A Multimedia Curriculum for Leadership Learning*. Abiola, a WLP board member, participated in the training.

Challenges Implementing Women's Initiatives

African women leaders attended the institute to improve their facilitation skills in leadership training. The training was a welcome event for Nigerian women, who had recently witnessed their political marginalization as the government's National Political Reform Conference convened with only thirty-one women out of 400 delegates.

Participants in the institute shared their personal stories and struggles for the advancement of women's human rights. In Ghana, a bill on domestic law was under attack and politicians were asking women to withdraw their language on marital rape. In Liberia, the women's ministry is seriously underfunded and cannot carry out its functions effectively. During the WLP-Baobab institute, participants discussed ways of learning together as a community, and through role playing exercises and case studies they were able to solve problems and form a collective vision.



Hafsat Abiola (second from left) speaking with participants

Outcomes from the Institute

The institute provided more than innovative leadership techniques, training, and materials to participants from the region: It expanded the social and professional networks of women leaders and activists and created a space for them to empower one another through sharing experiences. Participants made new friends and improved existing relationships. They reevaluated their personal and organizational goals, identified areas where they needed capacity-building, and were strengthened by a unity of purpose which they shared with other women across the continent.

WLP and Baobab built new relationships with participants through which more women in Africa will benefit from similar training at local levels. All participants took back with them WLP leadership training manuals to enable their organizations to carry out training for women groups.

The Kudirat Initiative for Democracy (KIND) will be collaborating with Baobab to train KIND's facilitators for a university women's leadership program.

STEPS TAKEN TO END GENDER-BASED VIOLENCE IN MOROCCO

Rabéa Naciri and Amina Lemrini
Association Démocratique des Femmes du Maroc

Morocco: A Case Study

Rabéa Naciri and Amina Lemrini made a presentation and answered questions regarding efforts by the women's movement to eliminate violence against women in Morocco. Women in Morocco face different forms of violence and the majority of women are illiterate, financially dependent, and unable to testify to their situation. Until recently, laws were discriminatory and women lacked legal recourse when they pursued cases of violence. Morocco owes its understanding and knowledge of this issue to the women's movement. Women's associations have been very active during the past twenty years with the creation of support networks, consciousness raising, and advocacy for the reform of several discriminatory measures and laws relating to violence against women.

Reforming Discriminatory Laws

Morocco's new family code, introduced in 2004, has resulted in less discriminatory laws based on equal dignity for both men and women. The code guarantees the sharing of family responsibilities, equal rights and responsibilities among couples and in contracting marriage relationships, and no discrimination between girls and boys except for inheritance. Morocco's new work code recognizes sexual harassment as a serious infraction on the part of employers, and the country's new civil code makes sexual harassment a crime and penalizes domestic violence. Women now face the challenge of implementing these new laws, which coexist with the country's still-discriminatory laws regarding nationality, divorce, legal guardianship, the voluntary termination of pregnancy, and inheritance.

Morocco's new family code, introduced in 2004, has resulted in less discriminatory laws based on equal dignity for both men and women.



Rabéa Naciri (left) and Amina Lemrini

Networking: A Powerful Way to Answer the Challenges

Following Morocco's legal reforms of April 2004, the Association Démocratique des Femmes du Maroc (ADFM) established a national network of women's centers and shelters for female victims of violence. Named Anaruz—meaning “hope”—the network is comprised of twenty women's centers across the country and is expected to grow to include thirty-five to forty centers. The network's objectives are to:

- Reinforce the capabilities of legal/social service centers to fight against violence and expand implementation of anti-domestic violence laws in different regions of the country;
- Influence policymakers and public opinion through lobbying campaigns and awareness-raising on the issue of violence against women;

- Reinforce the cooperation among women's centers by establishing a uniform system of collecting, recording and diffusing data on gender-based violence; and
- Allow for the statistics on violence against women to be more accessible to a large audience as well as policymakers.

Anaruz also disseminates information on violence against women through its network centers and through a website. The network's efforts are part of the broader struggle in Moroccan society to make the country a democracy.

Naciri and Lemrini closed their address by reiterating the point heard earlier in the symposium that the magnitude of the problem of violence against women has not been measured, nor have its various forms or its full impact on families, communities, and society. Investigations and studies are rare, but they often refer to serious inadequacies in data and a need to better understand the culture of silence which hinders women's access to justice.

STRATEGIES ADOPTED BY MALAYSIAN WOMEN'S ORGANIZATIONS TO ELIMINATE VIOLENCE AGAINST WOMEN

Zainah Anwar, Executive Director
Sisters in Islam

Implementing the Laws

Zainah Anwar began her address with an assessment of how women's organizations in Malaysia have handled religious authorities and conservatism. Malaysia passed its domestic violence law in 1994 but it took two more years before this law was implemented. She attributed the law's passage and implementation to the efforts of women activists and how they:

- Worked as a group to show that a women's movement existed. Women's groups came together in a coalition of between five and seventeen organizations at any given time, and this coalition drafted model legislation to make domestic violence a crime;
- Conducted a massive awareness campaign to educate the public on violence against women issues, including domestic violence and rape;
- Executed a media strategy in the belief that their struggle had to be done in public so as to build a public constituency supportive and informed of the issue and to put pressure on authorities to listen to their demands; and
- Challenged the attempt by religious authorities to exclude Muslims from the jurisdiction of the domestic violence law in the name of Islam.



Sisters in Islam played a leading role in challenging the religious establishment view that a Muslim man has a right to beat his wife and that domestic violence is a family matter and therefore should come under the jurisdiction of the Islamic Family Law. They researched alternative interpretations to verses in the Qur'an which dealt with contentious issues, and made these interpretations available to the public on small leaflets written in plain and simple language. They also submitted letters to the editors of Malaysian newspapers, which helped women find their voice and gain credibility and legitimacy to speak on Islam. In the end, the coalition of women's groups shamed the government, which agreed it was wrong for any man, regardless of his religion, to beat his wife, and wrong to not extend the same legal protection to women as had been recently extended for children, under the Child Protection Act. The pressure put on the Malaysian government translated into pressure on religious authorities, and after eleven years the country's domestic violence law was finally enacted. The strategies used by these women increased awareness and helped change Malaysian culture and law. The sustained implementation of these strategies made the new law acceptable, reinforcing the cultural change so the law merely served as a further disincentive for those who would otherwise commit violence against women. The police, who had formerly refused to handle reports of domestic violence because they considered it a family matter, now accept such reports as a matter of course.

The pressure put on the Malaysian government translated into pressure on religious authorities, and after eleven years the country's domestic violence law was finally enacted.

As the struggle widens and deepens, neighboring Indonesia has now included economic abandonment as a form of domestic abuse. Nine years after the implementation of the law in Malaysia, challenges remain. This includes delayed delivery of protection orders for victims of violence and delays in police investigation because of lack of apparent injury or use of weapon in the incident. But there are also successes. The existence of the law itself is a deterrent. Police personnel are increasingly more cooperative. The recent establishment of a cabinet committee on gender equality will propel the reform process to ensure that the law, procedure and regulations are improved to ensure that women receive the protection and rights provided under the law.

SUMMARY OF SESSION THREE DISCUSSIONS

During session three discussions, information was shared on how to implement campaigns for eliminating violence against women. Along these lines, a representative from NOVIB informed participants that her organization is creating a video library of alternative interpretations of passages from the Qur'an, and that NOVIB has set up a website to share the experiences of women's rights activists working in the field. Participants mentioned that in some countries—like South Africa—discussions of gender-based violence have been mainstreamed into other issues such as the HIV/AIDS debate, and that women's rights activists must now search for other avenues of keeping their concerns focused and visible. Funders were encouraged to support more research documenting violence against women since hard data on this issue is currently limited and would help in pushing for policy reforms. Finally, participants hoped that in future there would be more time to discuss more of the specific forms of violence against women. They also suggested including more men in future discussions to share the responsibility for this issue and increase opportunities for success in the legal and political arenas.

Closing



WLP President Mahnaz Afkhami thanked the speakers, partners, participants, and supporters who made this symposium possible. She said it is encouraging that many women in Muslim societies like Jordan, Morocco, Egypt, Pakistan, Turkey, Bangladesh, and Iran have taken the lead in studying, developing, and implementing strategies for women's empowerment. These women are reinterpreting the Qur'an and the hadith; educating the political elite and providing them with new interpretations that can be used as a basis for legislating and implementing change; mobilizing grassroots support; and establishing a dialogue between people at the grassroots level and national and international decision makers. Their goal is to modify traditional attitudes and laws to accommodate the requirements of women's freedom, equality, and human rights. It is important for the international community to note that in the prevailing cultural and political conditions in these countries, this is an undertaking of heroic proportions that deserves significant international awareness and support.

OUTCOMES

General Principles

Participants noted the close connection between the powerlessness of women and violence against them and the priority of empowerment in the design of strategies aimed at eliminating violence against women. Women's empowerment should be a priority for programs which aim to eliminate violence against women. They reaffirmed universal human rights as the foundation of all efforts to eliminate violence. They stressed people's aspiration to rights regardless of their ethnicity, religion, culture, sociopolitical background, race, gender, or class, and noted the only way to ensure full freedom to practice diversity is to guarantee universal rights. Relativity is a useful concept only in reference to methods of implementation and setting of priorities for purposes of communication, education, advocacy, and discussions of culture-specific means of achieving rights.

Participants also recommended a broad spectrum approach to the campaign to prevent violence. They discussed the importance of coordinating local, national, regional, and international efforts as well as economic, social, cultural, and political approaches. They further stressed the importance of finding "intersections" when designing projects to prevent violence against women—that cultural change is influenced by socioeconomic, scientific, and other factors, and that any number of these often intersect to shed new light on old problems.

Strategies for Change

Participants discussed the following strategies for change:

- Use culture and religion as positive resources in the struggle to prevent violence against women. Portions

of religious texts from all faiths have been cited to justify violence and oppression against women, but there are also positive and empowering alternative interpretations of these texts.

- Gain access to alternative media, including ICT-based media, as a vehicle for impacting mainstream media and for raising public awareness about violence against women and its effect on individuals, communities, and societies;
- Emphasize education and training at all levels for law enforcement officers, health workers, and the judiciary, as well as education for young men and women about the harmful effects of violence against women;
- Strengthen networks in order to exchange information, share best practices, and bring international attention to cases of rights abuses;
- Share useful advocacy strategies for legislative change in Muslim societies, especially strategies based on new readings of texts derived from the writings and research of enlightened religious leaders and women theologians;
- Create support systems for victims of violence, including shelters, and psychological and legal assistance; and
- Expand efforts to research and produce reliable statistics on the extent, types, and prevalence of violence against women. The human rights arena is a valuable one for discussing this issue.

Follow-Up

As a follow-up, WLP will draw on this symposium's presentations and discussions, as well as the experiences of participant organizations and their recommendations, to develop culture-specific curriculums and manuals regarding how to mobilize women to advocate for legislation and actions to help eliminate violence against women. WLP will make a CD of this symposium available to organizations working to eliminate violence against women; an audio recording is available on WLP's website. WLP will also look to participants for suggestions on how to move the discussion forward.

Appendix One: Participants



<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>
Aas	Sidsel	Fokus-Norway
Abdur-Rahman	Afeefa	Johns Hopkins University/CCP
Ahary	Hana	Steps to End Family Violence
Ahmed	Munerah	American Association of Yemeni Scientists and Professionals/Brooklyn
Aicha	Aitmhand	Association Démocratique des Femmes du Maroc
Aker	Dee	Institute for Peace and Justice, San Diego
Al Darawsheh	Maysoon	Islamic International Coalition
Al-Dawsari	Nadwa	Rutgers University
Alexander	Lara	Business and Professional Women
Alshagath	Duha	Kuwait Union Women
Amanuma	Huromi	Business and Professional Women
Angur	Signal	Women's Front Norway
Ashai	Ayesha	International Women's Democracy Center
Awais	Madiha	World Conference of Religions for Peace
Ayyub	Ruksana	Turkey Research Outreach Project, NY
B. Deghan	Behjat	Association of International Women for Human Rights
Baker	Aryn	TIME
Bano	Hamida	Women Waging Peace
Basel	Marzia	International Association of Women Judges
Bashir	Mehrunisa	World Bank
Beavers	Suki	Action Canada for Population and Development
Belhadjar	Aicha	AA For Human Rights
Bello	Mairo	Adolescent Health and Information Project
Benavids	Martha	International Institute for Cooperation Amongst Peoples
Beydoun	Khaled	American Bar Association-Central European and Eurasian Law Initiative
Bintou	Fsmake	Women In Law and Development in Africa
Bitu	Nicoleta	Roma Women Initiative
Bologna	Michelle	Ethical Globalization Initiative
Booth	Rebecca	UN Association-San Diego
Bouq	Chanthou	Partnership for the Development of Kampuchea
Bremer	Liv	Norwegian People's Aid
Brown	Cynthia	
Brundige	Liz	International Association of Women Judges
Camfillo	Lydia	UNIFEM
Carey	Laura	SIPA/Columbia University
Cohen	Margery	League of Women Voters
Corrado	Paula	OGL
Crenshaw	Kim	African American Policy Forum
Daly	Sunny	
Dawidowicz	Laurence	Clara Femmes Solidaire, France
Dejong	Jocelyn	University of Manchester
Demers	Mirlande	FAFIA, Canadian Feminist Alliance for International Action

<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>
Diouf	Ibrahima	Women's International League for Peace and Freedom
Du	Jie	China Women's Federation
Duongchan	Summ	Thai Women Watch
Ecklein	Joan	Women's International League for Peace and Freedom
Eдорh	Kayukpa	Women in Law and Development in Africa
Eggebg	Helga	Socialist Youth League of Norway
Erturk	Yakin	Special Rapporteur on Violence Against Women
Familara	Aileen	ISIS International
Felicia Huarsaya	Villasante	
Fijabi	Mufuwa	Baobab for Women's Human Rights
Fisher	Hilary	Amnesty International
Fluri	Jennifer	Penn State University
Freemzu	Amy	University of Washington
Geraldine	Teodora	
Ghezraoui	Karile	Office of the United Nations High Commissioner for Human Rights/UN
Ghoreishian	Ana	Human Rights Watch, NY
Gilo	Shamaya	The Pluralism Fund
Gragosian	Penelope	Armenian Relief Society, Inc.
Grouwels	Brigitte	
Hadikein	Hannah	Voice of Women for Peace, Canada
Hamida Maaum	Harrison	ABANTU
Hanifa	Anberiya	Muslim Women's Research and Action Forum
Haress	Ghizaal	Woman Kind
Hassan	Yasmeen	UN Division for the Advancement of Women
Hayal	Zirari	AMLVF.Maroc
Herman	Lois	Women's UN Report Network
Himer	Natasha	Mary Lou Williams Center
Hoiberg	Anne	United Nations Association-San Diego
Hunter	Joyce	IAS Women's Caucus
Hussein	Ikvam	OCHA
Hyneman	Esther	Women for Afghan Women-NY
Jallow Baldeh	Kadijatou	ActionAid, The Gambia
Javrd	Nauann	Canadian Research Institute for the Advancement of Women
Jayakar-Ahmed	Kushalata	Dom. Harmony-Islamic Center of Long Island
Jefferson	LaShawn	Human Rights Watch
Johnson	Emily	
Kaddour	Afamia	Lebanese Protection for LGBTIQ/ Helem
Kagan	Corin	Women's International League for Peace and Freedom
Kalra	Reema	SAKHI
Kamara	Memuna	World Youth Alliance
Kardam	Nuket	Monterey Institute
Karmcu	Hacer Y.	Women's Platform
Kejo	Britt	Norwegian Women's Board
Kenworthy	Paula	Vital Voices
Khalaf	Mova	Institute for Women's Studies
Khan	Sidra	International Women's Democracy Center
Khatgoy	Fatma	Alliance for Arab Women
Kingma	Koos	NOVIB-OXFAM
Komosinski	Patucia	International Women's Democracy Center
Koolae	Elaheh	Tehran University
Kryzwick	Lynsey	National Democratic Institute
Kumar	Ramesh	CONNECT

<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>
Kvaven	Berit	Norwegian Association for Women's Rights
Leedham	Nuzhath	Canadian Feminist Alliance for International Action
Lerner	Gail	India World Association
Lieberman	Jessica	George Washington University
Lyford	Shelley	Institute for Peace and Justice, San Diego
Makrides	Jen	Pace University
Malhas	Dima	UNFPA
McIntyre	Diane	Canadian Voice of Women for Peace
McKee	Maria	Global Fund for Women
Medar-Gould	Sindi	Baobab for Women's Human Rights, Nigeria
Mehta	Sarah	ACLU/Pew Forum
Mehta	Sinal	International Women's Democracy Center
Mewsah-Kurn	Rose	ABANTU
Michelle	Briand	Canadian Feminist Alliance for International Action
Middleton	Kimberly	Open Society Institute-Network Women's Program
Miller	Blair	World Youth Alliance
Mitchell	Kathleen	Johns Hopkins School of Public Health
Moshari	Mahroo	
Mueller	Jennifer	City University of New York
Mukenge	Muadi	Global Fund for Women
Naderi	Manizha	Women for Afghan Women
Naira	Vahida	Women's Initiatives for Gender Justice
Nawaz	Zaynab	Amnesty International
Niethannen	Annen	World Bank
Nilsson	Ann Charlotte	Researcher
none given	Raphael	Tour for Equality
Nordstrom	Sara	Center for Women's Global Leadership
Nwosu	Wgozi	Baobab for Women's Human Rights
Obinwa	Chibogu	Baobab for Women's Human Rights
Osterhaus	Juliane	GTZ
Ouedraogo	Amina	Women in Law and Development
Overton	Ellen	Women's National Democratic Club
Ozgekge	Zozan	Women's Association, Turkey
Ozobia	Nnewna	International Human Rights Internship Program
Patel	Asmita	Activist
Patel	Vibhuti	Centre for Enquiry into Health and Allied Themes
Pervizat	Leyla	Women's International League for Peace and Freedom
Pettigrew	Ann	UNFPA
Pikul	Corrie	Women's eNews
Poli	Deborah	World Youth Alliance
Poolus	Alexandra	Women's eNews
Powell	Betty	Betty Powell Associates
Pulier	Amta	Women In Law and Development in Africa
Quindiagan	Marina	Tiye International
Rahmati	Fatemeh	Healthy Family Center
Rakhsh	Susan	Women's Committee of the Socialist Party
Roberts	Barbara	
Rosa	Logar	Women Against Violence Europe
Roth	Joan	Activist
Rviz	McJose	Red Europa
Sabetella	Maye	World Union for Progressive Judaism
Sajor	Indai	Asian Centre for Women's Human Rights

<u>Last Name</u>	<u>First Name</u>	<u>Organization</u>
Samdani	Mehlaga	Council on Foreign Relations
Samir	Muba	Kuwait Women's Union
Sayeed	Sarah	Women in Islam Inc.
Seckel	Carol	General Board Global Ministries
Shahoui	Letecea	ISIS International
Sharipova	Meeborak	Women in Europe for a Common Future/Open Asia
Shaw	Heather	International Islamic Committee for Women and Children
Sheepa Hafiza	Shezpa	Bangladesh Rural Advancement Committee
Shiffer	Erin	Activist
Shuarb	Maryan	Kuwait Women's Union
Shuster	Sharona	Bahai's of the United States
Small	Heather	Seventh Day Adventist Church
Solem	Moroyn	Tar for Equality
Stewart	Nell	
Stimov	Ann	Wellspring
Stirling	S	Lutheran Congregations in Mission for Christ
Stor	Janet	World Union for Progressive Judaism
Strauss	Jill	
Strom	Agnete	Women's Front, Norway
Sundback	Barbara	The Aland Islands Peace Institute
Sutton	Perri	Johns Hopkins School of Public Health
Swanson	Marla	Open Society Institute (Network Women's Program)
Tarloski	Elizabeth	UN Association-San Diego
Tominaga	Nana	Business and Professional Women
Tommelein	Nora	Ned.Vrouwenraad
Torii	Chiyoka	
Van Unen	Judith	Business and Professional Women
Vegu	Victor	WAY
Vikalo	Tahija	American Friends Service Committee
Ward	Shana	UNFPA
Washi	Sidiga	Babiker Badri Scientific Association for Women's Studies
Weil	Kathryn	New York Women's Foundation EEC
Wildhagen	Gro	JURK, Norway
Winship	Joan	International Association of Women Judges
Wood	Nancy Lee	Women's International League for Peace and Freedom
Wooster	Sari	Plan International
Wrenn	Nancy	Women's International League for Peace and Freedom
Wright	Leslie	World Association of Girl Guides and Girl Scouts
Xingyuan	Wang	The Maple Women's Psychological Counseling Center
Yabo	Ousman	The Association of NGOs
Yager	Karen	
Yasmin	Fatima	Rutgers University
Zahia	Zaoni	
Zahra	Fatma	SAKHI
Zeller	Ruth	UNIFEM
Zijuche	Rachida	Clara Femmes Solidaires
Zrihen	Olga	Senate

Appendix Two:

International Declarations and National Legislation



DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN, UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 48/104, 20 DECEMBER 1993

The General Assembly, Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the 1/Universal Declaration of Human Rights, 2/International Covenant on Civil and Political Rights, 3/International Covenant on Economic, Social and Cultural Rights, 4/Convention on the Elimination of All Forms of Discrimination against Women, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May 1990 that the recognition that violence against women in the family and society was pervasive and cut cross lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence,

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means 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.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

These rights include, inter alia:

- (a) The right to life; 6/
- (b) The right to equality; 7/
- (c) The right to liberty and security of person; 8/
- (d) The right to equal protection under the law; 7/
- (e) The right to be free from all forms of discrimination; 7/
- (f) The right to the highest standard attainable of physical and mental health; 9/
- (g) The right to just and favourable conditions of work; 10/
- (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

11/

Article 4

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. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- (a) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;
- (b) Refrain from engaging in violence against women;
- (c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- (d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- (e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such co-operation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;
- (f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the revictimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;
- (g) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international co-operation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;
- (h) Include in government budgets adequate resources for their activities related to the elimination of violence against women;
- (i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;
- (j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- (k) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public;
- (l) Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;
- (m) Include, in submitting reports as required under relevant human rights instruments of the United Na-

tions, information pertaining to violence against women and measures taken to implement the present Declaration;

- (n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;
- (o) Recognize the important role of the women's movement and nongovernmental organizations world wide in raising awareness and alleviating the problem of violence against women;
- (p) Facilitate and enhance the work of the women's movement and nongovernmental organizations and cooperate with them at local, national and regional levels;
- (q) Encourage intergovernmental regional organizations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

Article 5

The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration and, to this end, should, inter alia:

- (a) Foster international and regional co-operation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;
- (b) Promote meetings and seminars with the aim of creating and raising awareness among all persons of the issue of the elimination of violence against women;
- (c) Foster co-ordination and exchange within the United Nations system between human rights treaty bodies to address the issue of violence against women effectively;
- (d) Include in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;
- (e) Encourage co-ordination between organizations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, especially with reference to groups of women particularly vulnerable to violence;
- (f) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures referred to in the present Declaration;
- (g) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments;
- (h) Cooperate with non-governmental organizations in addressing the issue of violence against women.

Article 6

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty or other instrument in force in a State.

ENDNOTES

- 1/ Resolution 217 A (III).
- 2/ See resolution 2200 A (XXI), annex.
- 3/ Resolution 34/180, annex.

- 4/ Resolution 39/46, annex.
- 5/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.
- 6/ Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 6.
- 7/ International Covenant on Civil and Political Rights, article 26.
- 8/ Universal Declaration of Human Rights, article 3; and International Covenant on Civil and Political Rights, article 9.
- 9/ International Covenant on Economic, Social and Cultural Rights, article 12.
- 10/ Universal Declaration of Human Rights, article 23; and International Covenant on Economic, Social and Cultural Rights, articles 6 and 7.
- 11/ Universal Declaration of Human Rights, article 5; International Covenant on Civil and Political Rights, article 7; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

BEIJING DECLARATION AND PLATFORM FOR ACTION, SEPTEMBER 1995

Provisions Relating to Violence Against Women and Women in Conflict

D. Violence against women

112. 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. Knowledge about its causes and consequences, as well as its incidence and measures to combat it, have been greatly expanded since the Nairobi Conference. 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.
113. The term "violence against women" means 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 private life. Accordingly, violence against women encompasses but is not limited to the following:
 - (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
 - (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
 - (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

114. Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.
115. Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide.
116. Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.
117. Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.
118. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and to enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.
119. Developing a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable. Equality, partnership between women and men and respect for human dignity must permeate all stages of the socialization process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.
120. The absence of adequate gender-disaggregated data and statistics on the incidence of violence makes the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including the workplace, impede efforts to design specific intervention strategies. Experience in a number of countries shows that women and men can be mobilized to overcome violence in all its forms and that effective public measures can be taken to address both the causes and the consequences of violence. Men's groups mobilizing against gender violence are necessary allies for change.
121. Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punish-

ment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces.

122. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 18/ as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS.
123. In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively.

Strategic objective D.1. Take integrated measures to prevent and eliminate violence against women

Actions to be taken

124. By Governments:

- (a) Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;
- (b) Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- (c) Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;
- (d) Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators;
- (e) Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, 19/ the International Covenant on Civil and Political Rights, 12/ the International Covenant on Economic, Social and Cultural Rights, 12/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 20/
- (f) Implement the Convention on the Elimination of All Forms of Discrimination against Women, taking into account general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women, at its eleventh session; 21/
- (g) Promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women and actively encourage,

support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and develop strategies to ensure that the revictimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices;

- (h) Provide women who are subjected to violence with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm they have suffered and inform women of their rights in seeking redress through such mechanisms;
- (i) Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, prenatal sex selection, infanticide and dowry-related violence and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;
- (j) Formulate and implement, at all appropriate levels, plans of action to eliminate violence against women;
- (k) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- (l) Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation, and file charges;
- (m) Ensure that women with disabilities have access to information and services in the field of violence against women;
- (n) Create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;
- (o) Adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties, review existing legislation and take effective measures against the perpetrators of such violence;
- (p) Allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels;
- (q) Include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;
- (r) Cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested; cooperate also with other competent mechanisms, such as the Special Rapporteur of the Commission on Human Rights on torture and the Special Rapporteur of the Commission on Human Rights on summary, extrajudiciary and arbitrary executions, in relation to violence against women;

- (s) Recommend that the Commission on Human Rights renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it.
125. By Governments, including local governments, and community organizations, non-governmental organizations, educational institutions, the public and private sectors, particularly enterprises, and the mass media, as appropriate:
- (a) Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence;
 - (b) Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence;
 - (c) Recognize the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situation;
 - (d) Support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;
 - (e) Organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights and mobilize local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution;
 - (f) Recognize, support and promote the fundamental role of intermediate institutions, such as primary-health-care centres, family-planning centres, existing school health services, mother and baby protection services, centres for migrant families and so forth in the field of information and education related to abuse;
 - (g) Organize and fund information campaigns, educational and training programmes in order to sensitize girls and boys and women and men to the personal and social detrimental effects of violence in the family, community and society; teach them how to communicate without violence; promote training for victims and potential victims so that they can protect themselves and others against such violence;
 - (h) Disseminate information on the assistance available to women and families who are victims of violence;
 - (i) Provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence, and promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;
 - (j) Raise awareness of the responsibility of the media in promoting non-stereotyped images of women and men, as well as in eliminating patterns of media presentation that generate violence, and encourage those responsible for media content to establish professional guidelines and codes of conduct, consistent with freedom of expression; and also raise awareness of the important role of the media in informing and educate people about the causes and effects of violence against women and in stimulating public debate on the topic.
126. By Governments, employers, trade unions, community and youth organizations and non-governmental organizations, as appropriate:
- (a) Develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere;

- (b) Develop programmes and procedures to educate and raise awareness of acts of violence against women that constitute a crime and a violation of the human rights of women;
- (c) Develop counselling, healing and support programmes for girls, adolescents and young women who have been or are involved in abusive relationships, particularly those who live in homes or institutions where abuse occurs;
- (d) Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries.

127. By the Secretary-General of the United Nations: Provide the Special Rapporteur of the Commission on Human Rights on violence against women with all necessary assistance, in particular staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all treaty bodies.

128. By Governments, international organizations and non-governmental organizations: Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees.

Strategic objective D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures

Actions to be taken

129. By Governments, regional organizations, the United Nations, other international organizations, research institutions, women's and youth organizations and non-governmental organizations, as appropriate:

- (a) Promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;
- (b) Disseminate findings of research and studies widely;
- (c) Support and initiate research on the impact of violence, such as rape, on women and girl children, and make the resulting information and statistics available to the public;
- (d) Encourage the media to examine the impact of gender role stereotypes, including those perpetuated by commercial advertisements which foster gender-based violence and inequalities, and how they are transmitted during the life cycle and take measures to eliminate these negative images with a view to promoting a violence-free society.

Strategic objective D.3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

Actions to be taken

130. By Governments of countries of origin, transit and destination, regional and international organizations, as appropriate:

- (a) Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;

- (b) Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;
- (c) Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
- (d) Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking including through job training, legal assistance and confidential health care and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;
- (e) Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

E. Women and armed conflict

131. An environment which maintains world peace and promotes and protects human rights, democracy and the peaceful settlement of disputes, in accordance with the principles of non-threat or use of force against territorial integrity or political independence and of respect for sovereignty as set forth in the United Nations Charter, is an important factor for the advancement of women. Peace is inextricably linked with equality between women and men and development. Armed and other types of conflicts and terrorism and hostage-taking still persist in many parts of the world. Aggression, foreign occupation, ethnic and other types of conflicts are an ongoing reality affecting women and men in nearly every region. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism and racial discrimination, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law. International humanitarian law, prohibiting attacks on civilian populations, as such, is at times systematically ignored and human rights are often violated in connection with situations of armed conflicts, affecting the civilian population, especially women, children, the elderly and the disabled. Violations of the human rights of women in situations of armed conflicts are violations of the fundamental principles of international human rights and humanitarian law. Massive violations of human rights, especially in the form of genocide, "ethnic cleansing" as a strategy of war and its consequences, rape, including systematic rape of women in war situations, creating mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be immediately stopped, while perpetrators of such crimes must be punished. Some of these situations of armed conflict have their origin in the conquest or colonialization of a country by another State and the perpetuation of that colonization through state and military repression.
132. The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and the Additional Protocols of 1977 provide that women shall especially be protected against any attack on their honour, in particular against humiliating and degrading treatment, rape, enforced prostitution or any form of indecent assault. 22/ The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, states that "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitar-

ian law". 23/ All violations of this kind, including in particular murder, rape, including systematic rape, sexual slavery and forced pregnancy require a particularly effective response. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or summary and arbitrary detention, all forms of racism, racial discrimination, xenophobia, denial of economic, social and cultural rights and religious intolerance.

133. Violations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights instruments and in the Geneva Conventions of 1949 and the Additional Protocols thereto. Gross human rights violations and policies of ethnic cleansing in war-torn and occupied areas continue to be carried out. These practices have created, inter alia, a mass flow of refugees and other displaced persons in need of international protection and internally displaced persons, the majority of whom are women, adolescent girls and children. Civilian victims, mostly women and children, often outnumber casualties among combatants. In addition, women often become caregivers for injured combatants and find themselves, as a result of conflict, unexpectedly cast as sole manager of household, sole parent, and caretaker of elderly relatives.
134. In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. Although women have begun to play an important role in conflict resolution, peace-keeping and defence and foreign affairs mechanisms, they are still underrepresented in decision-making positions. If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making.
135. While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration, and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual abuse and forced pregnancy in situations of armed conflict, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. This is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and foreign occupation and alien domination.
136. Women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. Women may also be forced to flee as a result of a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation. Women often experience difficulty in some countries of asylum in being recognized as refugees when the claim is based on such persecution.
137. Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their country of origin on their return. They need to be appropriately involved in decisions that affect them.

138. Many women's non-governmental organizations have called for reductions in military expenditures world-wide, as well as in international trade and trafficking in and the proliferation of weapons. Those affected most negatively by conflict and excessive military spending are people living in poverty, who are deprived because of the lack of investment in basic services. Women living in poverty, particularly rural women, also suffer because of the use of arms that are particularly injurious or have indiscriminate effects. There are more than 100 million anti-personnel land-mines scattered in 64 countries globally. The negative impact on development of excessive military expenditures, the arms trade, and investment for arms production and acquisition must be addressed. At the same time, maintenance of national security and peace is essential for economic growth and development and the empowerment of women.
139. During times of armed conflict and the collapse of communities, the role of women is crucial. They often work to preserve social order in the midst of armed and other conflicts. Women make an important but often unrecognized contribution as peace educators both in their families and in their societies.
140. Education to foster a culture of peace that upholds justice and tolerance for all nations and peoples is essential to attaining lasting peace and should be begun at an early age. It should include elements of conflict resolution, mediation, reduction of prejudice and respect for diversity.
141. In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively.

Strategic objective E.1. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation

Actions to be taken

142. By Governments and international and regional intergovernmental institutions:
- (a) Take action to promote equal participation of women and equal opportunities for women to participate in all forums and peace activities at all levels, particularly at the decision-making level, including in the United Nations Secretariat with due regard to equitable geographical distribution in accordance with Article 101 of the Charter of the United Nations;
 - (b) Strengthen the role of women and ensure equal representation of women at all decision-making levels in national and international institutions which may make or influence policy with regard to matters related to peace-keeping, preventive diplomacy and related activities and in all stages of peace mediation and negotiations, taking note of the specific recommendations of the Secretary-General in his strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) (A/49/587, sect. IV);
 - (c) Integrate a gender perspective in the resolution of armed or other conflicts and foreign occupation and aim for gender balance when nominating or promoting candidates for judicial and other positions in all relevant international bodies, such as the United Nations International Tribunals for the former Yugoslavia and for Rwanda and the International Court of Justice, as well as in other bodies related to the peaceful settlement of disputes;
 - (d) Ensure that these bodies are able to address gender issues properly by providing appropriate training to prosecutors and judges and other officials in handling cases involving rape, forced pregnancy in situations of armed conflict, indecent assault and other forms of violence against women in armed conflicts, including terrorism, and integrate a gender perspective into their work;
 - (e) Strengthen the participation of women in processes of national reconciliation and reconstruction after all forms of conflict.

Strategic objective E.2. Reduce excessive military expenditures and control the availability of armaments

Actions to be taken

143. By Governments:

- (a) Increase and hasten, as appropriate, subject to national security considerations, the conversion of military resources and related industries to development and peaceful purposes;
- (b) Undertake to explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures, trade in arms and investment in arms production and acquisition, taking into consideration national security requirements, so as to permit the possible allocation of additional funds for social and economic development, in particular for the advancement of women;
- (c) Take action to investigate and punish members of the police, security and armed forces and others who perpetrate acts of violence against women, violations of international humanitarian law and violations of the human rights of women in situations of armed conflict;
- (d) While acknowledging legitimate national defence needs, recognize and address the dangers to society of armed conflict and the negative effect of excessive military expenditures, trade in arms, especially those arms that are particularly injurious or have indiscriminate effects, and excessive investment in arms production and acquisition; similarly, recognize the need to combat illicit arms trafficking, violence, crime, the production and use of and trafficking in illicit drugs, and trafficking in women and children;
- (e) Recognizing that women and children are particularly affected by the indiscriminate use of antipersonnel land-mines:
 - (i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000;
 - (ii) Undertake to strongly consider strengthening the Convention to promote a reduction in the casualties and intense suffering caused to the civilian population by the indiscriminate use of land-mines;
 - (iii) Undertake to promote assistance in mine clearance, notably by facilitating, in respect of the means of mine-clearing, the exchange of information, the transfer of technology and the promotion of scientific research;
 - (iv) Within the United Nations context, undertake to support efforts to coordinate a common response programme of assistance in demining without unnecessary discrimination;
 - (v) Adopt at the earliest possible date, if they have not already done so, a moratorium on the export of antipersonnel land-mines, including, to non-governmental entities, noting with satisfaction that many States have already declared moratoriums on the export, transfer or sale of such mines;
 - (vi) Undertake to encourage further international efforts to seek solutions to the problems caused by antipersonnel land-mines, with a view to their eventual

elimination, recognizing that States can move most effectively towards this goal as viable and humane alternatives are developed;

- (f) Recognizing the leading role that women have played in the peace movement:
 - (i) Work actively towards general and complete disarmament under strict and effective international control;
 - (ii) Support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty that contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
 - (iii) Pending the entry into force of a comprehensive nuclear-test-ban treaty, exercise utmost restraint in respect of nuclear testing.

Strategic objective E.3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations

Actions to be taken

144. By Governments:

- (a) Consider the ratification of or accession to international instruments containing provisions relative to the protection of women and children in armed conflicts, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, the Protocols Additional to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) and to the Protection of Victims of Non-International Armed Conflicts (Protocol II);
- (b) Respect fully the norms of international humanitarian law in armed conflicts and take all measures required for the protection of women and children, in particular against rape, forced prostitution and any other form of indecent assault.

145. By Governments and international and regional organizations:

- (a) Reaffirm the right of self-determination of all peoples, in particular of peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of this right, as enunciated, inter alia, in the Vienna Declaration and Programme of Action, 2/ adopted by the World Conference on Human Rights;
- (b) Encourage diplomacy, negotiation and peaceful settlement of disputes in accordance with the Charter of the United Nations, in particular Article 2, paragraphs 3 and 4 thereof;
- (c) Urge the identification and condemnation of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation;
- (d) Reaffirm that rape in the conduct of armed conflict constitutes a war crime and under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crimes of Genocide; take all measures required for the protection of women and children from such acts and strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;
- (e) Uphold and reinforce standards set out in international humanitarian law and international human rights instruments to prevent all acts of violence against women in

situations of armed and other acts of conflict; undertake a full investigation of all acts of violence against women committed during war, including rape, in particular systematic rape, forced prostitution and other forms of indecent assault and sexual slavery, prosecute all criminals responsible for war crimes against women and provide full redress to women victims;

- (f) Call upon the international community to condemn and act against all forms and manifestations of terrorism;
- (g) Take into account gender-sensitive concerns in developing training programmes for all relevant personnel on international humanitarian law and human rights awareness and recommend such training for those involved in United Nations peace-keeping and humanitarian aid, with a view to preventing violence against women, in particular;
- (h) Discourage the adoption of and refrain from any unilateral measure that is not in accordance with international law and the Charter of the United Nations, that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. This Conference reaffirms that food and medicine must not be used as a tool for political pressure;
- (i) Take measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children.

Strategic objective E.4. Promote women's contribution to fostering a culture of peace

Actions to be taken

146. By Governments, international and regional intergovernmental institutions and non-governmental organizations:

- (a) Promote peaceful conflict resolution and peace, reconciliation and tolerance through education, training, community actions and youth exchange programmes, in particular for young women;
- (b) In reviewing the implementation of the plan of action for the United Nations Decade for Human Rights Education (1995-2004), take into account the results of the Fourth World Conference on Women: Action for Equality, Development and Peace;
- (c) Encourage the further development of peace research, involving the participation of women, to examine the impact of armed conflict on women and children and the nature and contribution of women's participation in national, regional and international peace movements; engage in research and identify innovative mechanisms for containing violence and for conflict resolution for public dissemination and for use by women and men;
- (d) Develop and disseminate research on the physical, psychological, economic and social effects of armed conflicts on women, particularly young women and girls, with a view to developing policies and programmes to address the consequences of conflicts;
- (e) Consider establishing educational programmes for girls and boys to foster a culture of peace, focusing on conflict resolution by non-violent means and the promotion of tolerance.

Strategic objective E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women

Actions to be taken

147. By Governments, intergovernmental and non-governmental organizations and other institutions involved in providing protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women, including the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as appropriate:
- (a) Take steps to ensure that women are fully involved in the planning, design, implementation, monitoring and evaluation of all short-term and long-term projects and programmes providing assistance to refugee women, other displaced women in need of international protection and internally displaced women, including the management of refugee camps and resources; ensure that refugee and displaced women and girls have direct access to the services provided;
 - (b) Offer adequate protection and assistance to women and children displaced within their country and find solutions to the root causes of their displacement with a view to preventing it and, when appropriate, facilitate their return or resettlement;
 - (c) Take steps to protect the safety and physical integrity of refugee women, other displaced women in need of international protection and internally displaced women during their displacement and upon their return to their communities of origin, including programmes of rehabilitation; take effective measures to protect from violence women who are refugees or displaced; hold an impartial and thorough investigation of any such violations and bring those responsible to justice;
 - (d) While fully respecting and strictly observing the principles of non-refoulement of refugees, take all the necessary steps to ensure the right of refugee and displaced women to return voluntarily to their place of origin in safety and with dignity, and their right to protection after their return;
 - (e) Take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin;
 - (f) Ensure that the international community and its international organizations provide financial and other resources for emergency relief and other longer-term assistance that takes into account the specific needs, resources and potentials of refugee women, other displaced women in need of international protection and internally displaced women. In the provision of protection and assistance, take all appropriate measures to eliminate discrimination against women and girls in order to ensure equal access to appropriate and adequate food, water and shelter, education, and social and health services, including reproductive health care and maternity care and services to combat tropical diseases;
 - (g) Facilitate the availability of educational material in the appropriate language—in emergency situations also—in order to minimize disruption of schooling among refugee and displaced children;
 - (h) Apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum, including full respect and strict observation of the principle of non-refoulement through, inter alia, bringing national immigration regulations into conformity with relevant international instruments, and consider recognizing as refugees those women whose claim to refu-

gee status is based upon the well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and provide access to specially trained officers, including female officials, to interview women regarding sensitive or painful experiences, such as sexual assault;

- (i) Support and promote efforts by States towards the development of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application;
- (j) Promote the self-reliant capacities of refugee women, other displaced women in need of international protection and internally displaced women and provide programmes for women, particularly young women, in leadership and decision-making within refugee and returnee communities;
- (k) Ensure that the human rights of refugee and displaced women are protected and that refugee and displaced women are made aware of these rights; ensure that the vital importance of family reunification is recognized;
- (l) Provide, as appropriate, women who have been determined refugees with access to vocational/professional training programmes, including language training, small-scale enterprise development training and planning and counselling on all forms of violence against women, which should include rehabilitation programmes for victims of torture and trauma; Governments and other donors should contribute adequately to assistance programmes for refugee women, other displaced women in need of international protection and internally displaced women, particularly taking into account the effects on the host countries of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing;
- (m) Raise public awareness of the contribution made by refugee women to their countries of resettlement, promote understanding of their human rights and of their needs and abilities, and encourage mutual understanding and acceptance through educational programmes promoting cross-cultural and interracial harmony;
- (n) Provide basic and support services to women who are displaced from their place of origin as a result of terrorism, violence, drug trafficking or other reasons linked to violence situations;
- (o) Develop awareness of the human rights of women and provide, as appropriate, human rights education and training to military and police personnel operating in areas of armed conflict and areas where there are refugees.

148. By Governments:

- (a) Disseminate and implement the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence, or provide similar guidance, in close cooperation with refugee women and in all sectors of refugee programmes;
- (b) Protect women and children who migrate as family members from abuse or denial of their human rights by sponsors and consider extending their stay, should the family relationship dissolve, within the limits of national legislation.

Strategic objective E.6. Provide assistance to the women of the colonies and non-self-governing territories

Actions to be taken

149. By Governments, intergovernmental and non-governmental organizations:

- (a) Support and promote the implementation of the right of self-determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision-making;
- (b) Support and promote the implementation of the right of self-determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision-making.

MALAYSIA'S DOMESTIC VIOLENCE ACT 521 (1994)

Source: International Law Book Services, Malaysia.

An Act to provide for legal protection in situations of domestic violence and matters incidental thereto.

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I. PRELIMINARY

1. Short title, application and commencement

- a. This Act may be cited as the Domestic Violence Act 1994 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.
- b. This Act shall apply to all persons in Malaysia.

2. Interpretation

In this Act, unless the context otherwise requires—

- a. "alternative residence" means the premises or accommodation which the victim is or has been compelled to seek or move into as a result of domestic violence;
- b. "child" means a person below the age of eighteen years who is living as a member of the offender's family or of the family of the offender's spouse or former spouse, as the case may be;
- c. "court" means—
 - 1. in respect of criminal proceedings involving allegations of domestic violence, the court competent to try the actual offence with which the accused is charged;
 - 2. in respect of civil proceedings for compensation under section 10, the court competent to hear such claims in tort;
- d. "domestic violence" means the commission of any of the following acts:
 - 1. wilfully or knowingly placing, or attempting to place, the victim in fear of physical injury;
 - 2. causing physical injury to the victim by such act, which is known or ought to have been known would result in physical injury;
 - 3. compelling the victim by force or threat to engage in any conduct or act, sexual or otherwise, from which the victim has a right to abstain;
 - 4. confining or detaining the victim against the victim's will; or

5. causing mischief or destruction or damage to property with intent to cause or knowing that it is likely to cause distress or annoyance to the victim, by a person against—
 - i. his or her spouse;
 - ii. his or her former spouse;
 - iii. a child;
 - iv. an incapacitated adult; or
 - v. any other member of the family;
- e. “enforcement officer” means a police officer or a welfare officer from the Department of Social Welfare;
- f. “incapacitated adult” means a person who is wholly or partially incapacitated or infirm, by reason of physical or mental disability or ill-health or old age, who is living as a member of the offender’s family;
- g. “Minister” means the Minister charged with the responsibility for social welfare;
- h. “other member of the family” means—
 1. an adult son or daughter; or
 2. a father or mother, of the offender; or
 - i. a brother or sister; or
 - ii. any other relative of the offender who in the opinion of the court should, in the circumstances of that family, be regarded as a member of the family;
- i. “protected person” means a person who is protected under a protection order;
- j. “protection order” means an order issued under Part II;
- k. “relative” means a person who is related through the full-blood or half-blood, or through marriage or adoption, including de facto adoption;
- l. “safe place” or “shelter” means any home or institution maintained or managed by the Department of Social Welfare or by any other agency or voluntary organisation approved by the Minister for the purposes of this Act or any other suitable place the occupier of which is willing temporarily to receive the victim;
- m. “shared residence” means the premises at which the parties are, or have been, living together as members of the same household;
- n. “spouse” includes a de facto spouse, that is to say, a person who has gone through a form of ceremony which is recognized as a marriage ceremony according to the religion or custom of the parties concerned, notwithstanding that such ceremony is not registered or not capable of being registered under any written law relating to the solemnization and registration of marriages;
- o. “victim” means a victim of domestic violence.

3. This Act to be read together with Penal Code

The provisions of this Act shall be read together with the provisions of the Penal Code.

PART II. PROTECTION ORDER

4. Interim protection order

1. The court may, during the pendency of investigations relating to the commission of an offence involving domestic violence, issue an interim-protection order prohibiting the person against whom the order is made from using domestic violence against his or her spouse or former spouse or a child or an incapacitated adult or any other member of the family, as the case may be, as specified in the order.
2. An interim protection order shall cease to have effect upon the completion of the investigations.

5. Protection order

1. The court may, in proceedings involving a complaint of domestic violence, issue any one or more of the following protection orders:
 - a. a protection order restraining the person against whom the order is made from using domestic violence against the complainant;
 - b. a protection order restraining the person against whom the order is made from using domestic violence against the child;
 - c. a protection order restraining the person against whom the order is made from using domestic violence against the incapacitated adult.
2. The court in making a protection order under paragraph (1) (a) or (b) or (c) may include a provision that the person against whom the order is made may not incite any other person to commit violence against the protected person or persons.

6. Orders that may be included in protection order

1. A protection order issued under section 5 may, where the court is satisfied on a balance of probabilities that it is necessary for the protection and personal safety of the complainant or the child or the incapacitated adult, as the case may be, provide for any one or more of the following orders:
 - a. subject to subsection (4), the granting of the right of exclusive occupation to any protected person of the shared residence or a specified part of the shared residence by excluding the person against whom the order is made from the shared residence or specified part thereof, regardless of whether the shared residence is solely owned or leased by the person against whom the order is made or jointly owned or leased by the parties;
 - b. prohibiting or restraining the person against whom the order is made from entering any protected person's place of residence or shared residence or alternative residence, as the case may be, or from entering any protected person's place of employment or school or other institution or from making personal contact with any protected person other than in the presence of an enforcement officer or such other person as may be specified or described in the order;
 - c. requiring the person against whom the order is made to permit any protected person to enter the shared residence, or to enter the residence of the person against whom the order is made, accompanied by any enforcement officer for the purpose of collecting the protected person's or persons' personal belongings;
 - d. requiring the person against whom the order is made to avoid making written or telephone communication with any protected person and specifying the limited circumstances in which such communication is permitted;
 - e. requiring the person against whom the order is made to permit any protected person to have the continued use of a vehicle which has previously been ordinarily used by the protected person or persons;
 - f. the giving of any such direction as is necessary and incidental for the proper carrying into effect of any order made under any of the above-mentioned paragraphs, to have effect for such period, not exceeding twelve months from the date of the commencement of such order, as may be specified in the protection order.
2. Any one or more of the orders under subsection (1) may be—
 - a. made or made anew, upon the contravention of a protection order, in accordance with section 9; or

- b. extended for a further period, not exceeding twelve months from the date of the expiration of the original order, where the court is satisfied that, notwithstanding that there had been no actual contravention of the order, such extension is necessary for the protection and personal safety of the protected person or persons:

Provided that the extension of an order under this paragraph shall not be made more than once.

- 3. Except so far as the exercise by the person against whom the order is made of a right to occupy the shared residence, or to enter the alternative residence, is suspended or restricted, or prohibited or restrained, by virtue of an order under paragraph (l)(a) or (b), such order shall not affect any title or interest that the person against whom the order is made or any other person might have in the said premises.
- 4. The court shall not make an order excluding the person against whom the order is made from the whole of a shared residence that is solely or jointly owned or leased by him unless it is satisfied that there is no other way to secure the personal safety of any protected person for the time being, and such order, where made, shall, in the case where the shared residence is solely owned or leased by the person against whom the order is made, or may, in the case where the shared residence is jointly owned or leased by the parties, be—
 - a. revoked if a suitable alternative residence is found for the protected person or persons; or
 - b. revoked or modified upon the court being otherwise satisfied that it is no longer necessary for securing the personal safety of the protected person or persons.
- 5. In paragraph (4)(b), “modified” means modifying an order excluding the person against whom the order is made from the whole of the shared residence into an order excluding him from such part of the shared residence as is specified in the order.

7. Powers of arrest

- 1. Where the court is satisfied that the person against whom a protection order or interim protection order is made is likely to cause actual physical injury to the protected person or persons, the court may attach a power of arrest to such protection order or interim protection order, as the case may be.
- 2. If a power of arrest is attached by virtue of subsection (1), a police officer may arrest without warrant the person against whom the order is made when he has reasonable cause to believe that person is in breach of the order issued under subsection 4(1) or 5(1) or of an order included in a protection order as falls within paragraph 6(1)(a) or (b) by reason of that person’s use of violence or, as the case may be, of his entry into any place prohibited under the order.
- 3. Where a power of arrest is attached to a protection order or interim protection order and the person against whom the order is made is arrested under subsection (2)—
 - a. he shall be brought before a judge within twenty-four hours of his arrest; and
 - b. he shall not be released within that period except on the direction of the judge, but nothing in this section shall authorise his continued detention under this subsection after the expiry of that period.
- 4. In this section “judge” includes a Magistrate.

8. Contravention of protection order

- 1. Any person who wilfully contravenes a protection order or any provision thereof shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

2. Any person who wilfully contravenes a protection order by using violence on a protected person shall, on conviction, be liable to a fine not exceeding four thousand ringgit or to imprisonment for a term not exceeding one year or to both.
3. Any person who is convicted for a second or subsequent violation of a protection order under subsection (2) shall be punished with imprisonment for a period of not less than seventy-two hours and not more than two years, and shall also be liable to a fine not exceeding five thousand ringgit.
4. For the purposes of this section a "protection order" includes an interim protection order.

9. Making or renewing orders upon contravention of protection order

Where a person against whom a protection order has been made contravenes the protection order, the court may, in addition to any penalty provided for under section 8, make or make anew, as the case may be, any one or more of the orders under subsection 6(1), to commence from such date as is specified in such new order.

PART III. COMPENSATION AND COUNSELLING

10. Compensation

1. Where a victim of domestic violence suffers personal injuries or damage to property or financial loss as a result of the domestic violence, the court hearing a claim for compensation may award such compensation in respect of the injury or damage or loss as it deems just and reasonable.
2. The court hearing a claim for such compensation may take into account—
 - a. the pain and suffering of the victim, and the nature and extent of the physical or mental injury suffered;
 - b. the cost of medical treatment for such injuries;
 - c. any loss of earnings arising therefrom;
 - d. the amount or value of the property taken or destroyed or damaged;
 - e. necessary and reasonable expenses incurred by or on behalf of the victim when the victim is compelled to separate or be separated from the defendant due to the domestic violence, such as—
 - i. lodging expenses to be contributed to a safe place or shelter;
 - ii. transport and moving expenses;
 - iii. the expenses required in setting up a separate household which, subject to subsection (3) may include amounts representing such housing loan payments or rental payments or part thereof, in respect of the shared residence, or alternative residence, as the case may be, for such period as the court considers just and reasonably necessary.
3. In considering any necessary and reasonable expenses that may be taken into account under subparagraph (2)(e)(iii), the court may also take into account—
 - a. the financial position of the victim as well as that of the defendant;
 - b. the relationship that exists between the parties and the reasonableness of requiring the defendant to make or contribute towards such payments;
 - c. the possibility of other proceedings being taken between the parties and the matter being more appropriately dealt with under the relevant laws relating to the financial provision of spouses or former spouses and other dependents.

11. Counselling, etc.

1. The court may, in any proceedings in which a protection order is sought, instead of or in addition to issuing a protection order, make one or both of the following orders:
 - a. that the parties concerned be referred to a conciliatory body;
 - b. that one or more of the parties to the dispute be referred to rehabilitation therapy, psychotherapy or such other suitable reconciliatory counseling.
2. The court hearing a claim for compensation under section 10 may also make one or both of the orders under paragraph (1)(a) or (b).
3. When considering any question relating to the making of an order under subsection (1) the court may, whenever it is practicable, take the advice of a social welfare officer or some other trained or experienced person.
4. In this section “conciliatory body” includes bodies providing counselling services set up under the Department of Social Welfare and, in the case where the parties are Muslims, also includes those set up under the Islamic Religious Affairs Department concerned.

PART IV. PROCEDURE ON PROTECTION ORDERS

12. When interim protection order may be sought

An interim protection order may be sought pending investigations by the police following information relating to the commission of an offence involving domestic violence.

13. When protection order may be sought

A protection order may be sought during any criminal proceedings under the Penal Code where the accused is charged with an offence committed under circumstances that falls within the definition of “domestic violence”, –

- a. as a condition of the accused’s release on bail or at any other stage of the proceedings; or
- b. upon the compounding of such offence under section 260 of the Criminal Procedure Code.

14. Filing in of complaints

A complaint pursuant to this Act may be filed in any district where—

- a. the complainant resides;
- b. the offender resides;
- c. the alleged violence occurred; or
- d. the victim is temporarily located,

and shall be heard by the court as soon as practicable.

15. Complaints on behalf of child or incapacitated adult

In the case of a child, or an incapacitated adult who is incapable of filing in a complaint, such complaint may be filed by a guardian or relative or person responsible for the care of such child or incapacitated adult, as the case may be, or by an enforcement officer.

16. Record of complaints and orders.

The registry of the court shall maintain a record of all complaints filed pursuant to this Act, and all protection orders and interim protection orders issued by the court under this Act. The record shall contain—

- a. the names, gender and relationship of the parties;
- b. the domestic violence alleged, whether it involved any weapon, or resulted in personal injuries and whether the injuries inflicted required medical treatment;
- c. the effective date and terms of each order issued.

17. Proof of service of protection order

Within twenty-four hours of the issuance of a protection order or interim protection order, as the case may be, the Registrar of the court in which it is issued shall forward a copy of the order to the officer in charge of the police district where the offender resides. The police officer concerned shall file proof of service with the Registrar of the court within seven days of service.

PART V. MISCELLANEOUS

18. Information on offences involving domestic violence

1. Any person who has reason to believe that an offence involving domestic violence is being or has been committed may give information in respect thereof to an enforcement officer.
2. No person who gives any such information in good faith shall incur any liability for defamation or otherwise in respect of the giving of such information.

19. Duties of enforcement officers

1. The duties of an enforcement officer shall include—
 - a. assisting a victim of domestic violence to file a complaint regarding the domestic violence;
 - b. providing or arranging transportation for the victim to an alternative residence or a safe place or shelter if such transportation is required;
 - c. providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries if such treatment is needed;
 - d. explaining to the victim the rights to protection against domestic violence;
 - e. accompanying the victim to the victim's residence or previous residence to collect personal belongings.
2. An enforcement officer who is also a police officer shall have the following additional duties:
 - a. exercising the powers of arrest under this Act or any other written law;
 - b. removing or supervising the removal of a person excluded from a shared residence where the court has issued an order under paragraph 6(1)(a).

20. Regulations

1. The Minister may make regulations for the purpose of carrying into effect the provisions of this Act.
2. Without prejudice to the generality of subsection (1), such regulations may provide for—
 - a. the maintenance of a register or record by the courts on matters filed pursuant to this Act;

- b. the prescribed forms of any information, report, complaint, order or other document required pursuant to this Act;
- c. the procedure in respect of the filing in of any document mentioned in paragraph (b);
- d. the making of searches and the giving of certified copies of any document mentioned in paragraph (b);
- e. the fixing of fees that may be charged for the purposes of this Act;
- f. any other matter which under this Act is required or permitted to be prescribed.

ONE HUNDRED MEASURES AND PROVISIONS FOR AN EGALITARIAN CODIFICATION OF THE PERSONAL STATUS CODES AND FAMILY LAW IN THE MAGHREB

Source: Collectif 95 Maghreb-Egalité (English Translation Women's Learning Partnership)

GENERAL PROVISIONS

Article 1: Personal status and family relationships shall be governed by the provisions of this Code.

Article 2: A family shall be made up of persons united by marriage, blood ties or through a court order.

BOOK ONE: MARRIAGE

Chapter 1: Engagement

Article 3: An engagement is a promise of marriage between two intending spouses. An engagement does not constitute marriage and either party may break the engagement.

Article 4: If the breaking of the engagement causes harm to the other party, damages may be awarded.

Article 5: Each of the intending spouses shall be entitled to the return of any gifts offered to the other person unless he or she is the one who broke the engagement.

Chapter II: Formation of Marriage

Article 6: The minimum age for marriage shall be set at the full age of 18 years for both women and men, which is the age of legal majority.

Article 7: Marriage shall be formed solely through consent of the two intending spouses. The intending spouses themselves shall be the ones to agree to the marriage.

Article 8: Persons under 18 years of age may enter into marriage only with permission from a judge.

Article 9: Request for permission may be brought before a judge by the mother or father, the legal guardian, the minor or by the public prosecutor's office. The judge shall render a decision after having heard the intending spouses and the guardian and may grant the marriage only if there is serious reason to do so. The order authorizing the marriage is not open to appeal.

Article 10: Impediments to marriage shall fall under one of two categories: permanent or temporary.

- Permanent impediments are due to consanguinity or affinity.
- Temporary impediments are due to the existence of a marriage that has not been dissolved or non-expiration of the mandatory waiting period before a woman may

remarry following death of her husband or the cessation of cohabitation preceding divorce.

Article 11: A person shall be prohibited from marrying:

- his or her ascendants
- his or her descendants
- the ascendants' sisters and brothers
- the descendants of his or her sisters and brothers

Article 12: Marriage of any person with the ascendants or descendants of his or her spouse and the spouses of his or her ascendants and descendants shall be prohibited.

Article 13: Polygamy shall be prohibited.

Article 14: A person whose previous union has not been dissolved shall be prohibited from marrying. Any person who contracts a marriage with another person while still involved in a marriage that has not been dissolved shall be liable to a year in prison and a fine.

Article 15: A woman shall be prohibited from marrying before the expiration of the mandatory waiting period following death of her husband or the cessation of cohabitation preceding divorce.

This period shall last three months and shall take effect starting from the dissolution of the marriage by death or by final ruling in a court-ordered divorce.

This period shall end:

- upon birth of the child, if the woman is pregnant,
- upon production of a medical certificate stating that the woman is not pregnant,
- upon the remarriage of her ex-husband.

Article 16: A difference in religion shall not be an impediment to marriage. A marriage between a Muslim woman and a non-Muslim man shall be valid.

Article 17: Marriage shall be entered into before a registrar of births, deaths and marriages or any other authority vested with such powers by the law, in the presence of both parties and two witnesses.

Witnesses may be of either sex.

Article 18: Any clause concerning property may be inserted into the marriage contract.

Article 19: Marriages must be recorded with the Office of Vital Statistics.

The actual marriage license or a certificate issued by a registrar of births deaths and marriages shall be considered proof of marriage.

Chapter III: Annulment of Marriage

Article 20: Any union entered into in violation of the provisions of Article 7(1) or Articles 10, 11, 12, 13, 14 or 15 of this Code shall be annulled.

Article 21: Any marriage entered into outside the scope of the legal forms set forth in Article 17 shall be annulled.

Article 22: The annulment of a marriage shall result in the following effects:

- proof of relationship by descent;
- the obligation for the woman to observe a mandatory waiting period;
- impediments to marriage resulting from affinity.

Chapter IV: Effects of Marriage

Article 23: Husbands and wives owe each other mutual respect, fidelity and assistance. Together, they shall

manage the family, raise and protect the children and choose the family home. They must avoid causing each other any kind of harm whatsoever.

Article 24: Each spouse has the right to:

- practice a profession,
- administer and dispose of his or her own personal property,
- keep his or her family name, and
- enjoy freedom of movement.

Article 25: Spouses shall have shared responsibility for supporting the family based on their financial contribution and/or contribution in the form of household work

BOOK TWO: DIVORCE

Article 26: Divorce may be granted only by a court.

Chapter 1: Cases of Divorce

Article 27: Divorce shall be granted:

- in cases of mutual consent by both spouses,
- at the request of either spouse on the grounds of harm suffered,
- upon a no-fault request by either spouse,
- at the request of either party or by both parties for shared fault.

Chapter II: Divorce Proceedings

Article 28: Divorce may be granted only through a court decision following an attempt at reconciliation.

Article 29: The reconciliation process shall be mandatory and shall take place before a Family Affairs judge prior to any hearing on the merits.

If the defendant fails to appear and notice to appear was not personally served to him or her, the Family Affairs judge shall postpone the case for rehearing and shall call upon the assistance of any person whom he or she deems useful in order to personally serve notice to appear on the party in question or to determine his or her true legal address at which the notice can be served.

In cases involving minor children, three reconciliation hearings shall each be held at least thirty days after the preceding hearing.

The judge must attempt to reconcile the spouses. To do so, he or she must meet separately and personally with each spouse and then meet with both spouses together.

The judge may require the services of any person whose assistance he or she deems useful, including the lawyers of each party.

Article 30: The Family Affairs judge may order, even *proprio motu*, any interlocutory measures necessary concerning separate residences for the spouses, alimony or child support, custody of the children and visitation rights. The parties may agree to expressly renounce any or all of these measures, provided that this renunciation does not cause any harm to the interest of any minor children.

The Family Affairs judge shall determine the amount of alimony and child support allowance to be paid based on the information available to him or her at the time of the reconciliation attempt.

The interlocutory measures shall be set forth in an immediately enforceable order which shall not be open to appeal on fact or on a point of law, but which may be revised by the Family Affairs judge provided he or she has not rendered a decision on the merits.

Article 31: The judge may shorten the proceedings in cases of divorce by mutual consent, provided that the interests of the children are not harmed in any way.

Article 32: If the attempt to reconcile fails, the Family Affairs judge shall refer the matter to the court, which shall rule on the divorce and on any other consequences resulting therefrom in a decision open to appeal.

The provisions of the ruling relating to child custody, child support, spousal support, separate residences for the spouses and visitation rights shall be binding, notwithstanding any appeal on fact or a point of law.

Chapter III: Consequences of Divorce

Article 33: Damages for material loss and moral harm suffered by either of the spouses and resulting from the divorce shall be awarded on the basis of Article 26 (2), (3) and (4).

Article 34: Concerning women who cannot support themselves, damages for material losses may be awarded in the form of a monthly, spousal support allowance, including housing, starting from expiration of the mandatory waiting period and based on the standard of living to which she was accustomed during married life.

This allowance may be increased or decreased on a yearly basis to reflect the cost of living index and any fluctuations that may occur. Said allowance shall be paid until the death of the divorced woman, until any changes occur that would affect her social standing through remarriage or until she no longer needs the allowance. In the event the divorced husband dies, this allowance shall be included in the liabilities of the estate and consequently must be paid off in a single payment via an out-of-court settlement with the heirs or through court proceedings, based on the age of the beneficiary at that time. The full amount shall be paid in a single payment, unless the beneficiary prefers to have the allowance paid in the form of capital.

Article 35: Child custody shall be awarded to one of the two parents or to a third party. In making the decision, the judge shall take the interests of the child into consideration.

Article 36: The non-custodial parent shall have visitation rights.

The judge may award housing to the non-custodial parent if the interest of the child so warrants.

The non-custodial parent shall maintain supervisory rights over his or her child, which he or she shall exercise if necessary through the intermediary of the Family Affairs judge.

Article 37: The non-custodial parent shall contribute to supporting the child.

The marital home shall be awarded to the parent with custody of the children if that parent does not have a house.

Article 38: The parent to whom custody is awarded may renounce such custody.

In such cases, the judge shall designate a new guardian, taking the interests of the child into consideration.

The judge may revoke child custody rights from the custodial parent if said parent fails to perform his or her duties.

Article 39: The right to custody may not be challenged if the custodial parent remarries unless a judge rules otherwise in the interest of the child.

BOOK THREE: DESCENT

Article 40: Descent is the relationship that unites a child to his or her mother and father.

Chapter 1: Establishment of Descent

Article 41: Descent shall be established by:

- marriage,

- recognition,
- court order.

Section 1: Establishment of Descent through Marriage

Article 42: Descent of a child born in wedlock shall be established with respect to his or her mother and father. Descent shall also be established if the child is born within less than three hundred days after divorce or the death or absence of the father.

Article 43: The husband may legally disown a child if he has factual evidence, corroborated by scientific proof if necessary, to prove that he cannot be the father.

Article 44: The father must initiate disownment proceedings within six months following the birth of the child if he is present. Failing that, he may initiate such proceedings within six months of his return or within six months following the discovery of the false statement if the birth of the child was hidden from him.

Article 45: If the husband dies before he can initiate the proceedings, his ascendants and descendants shall not be legally entitled to contest the legitimacy of the child.

Article 46: The disownment suit, held in the presence of the mother, shall be directed against an ad hoc guardian appointed by the judge for the child.

Article 47: A mother may contest the paternity of the father through any means available, but only for the purposes of establishing legitimacy when she remarries the child's true father after dissolution of her previous marriage.

Article 48: This action against the husband or his heirs will be ruled inadmissible unless it is accompanied by a request for legitimation. Said request must be made by the mother and her new spouse within six months of their marriage and before the child reaches the age of five.

Article 49: The judge shall rule on both requests in a single ruling and may not hear the paternity suit unless the request for legitimation is admissible.

Section 2: Establishing Descent through Legal Recognition

Article 50: The descent of a child may be established through legal recognition by the mother or father only in the following ways:

- a declaration to the Office of Vital Statistics upon or after the birth of the child,
- a declaration by the mother and father at the time of their marriage,
- a separate, officially recorded instrument.

A child may be legally recognized only while living.

Article 51: Recognition may be challenged only through legal proceedings initiated by the person who sought recognition or by the child himself or herself. Such proceedings may also be initiated by the public prosecutor's office if evidence from vital statistics records indicates that the stated descent is implausible.

Section 3: Establishment of Descent by Legal Process

Article 52: Descent from the mother or father may be established through a maternity or paternity suit or through adoption.

Article 53: Only the child may initiate a maternity or paternity suit. If the child is a minor, he or she shall be represented by his or her guardian. Such suits shall be barred starting two years after the child has reached the legal age of majority.

Article 54: A maternity or paternity suit shall be admissible only if there is prima facie or presumptive evidence. Proof may be by any means.

Article 55: Adoption shall be permitted in the interest of the child.

Adoption shall be granted only through legal process.

Article 56: The adoptive parent must be a person of legal age who has full civil capacity. Said person must be of sound mind and body and able to provide for the adopted child.

No one may be adopted by more than one person, except by two spouses.

Adoption by a married couple will be granted only if the application originates from both spouses.

The age difference between the adoptive parent and adopted child must be a minimum of 15 years.

The adopted child must be a minor.

Article 57: Adoption shall be granted through a ruling handed down in the presence of the adoptive parent and, if necessary, the mother and father of the adopted child or a representative of the administrative authority holding public guardianship of the child, or the unofficial guardian.

Article 58: The adoption order shall be final and irrevocable, however, the child may contest said adoption after reaching legal age.

Article 59: Adoption shall confer the same rights and responsibilities as other types of descent. However, if the parents of the adopted child are known, the impediments to marriage referred to in Articles 10, 11 and 12 of this code shall survive.

Chapter II: Effects of Descent

Section 1: Names

Article 60: A child whose descent has been established with respect to only one parent shall bear the name of that parent. If descent has been established with respect to both parents, the child shall bear the name of his or her mother and father.

Section 2: Guardianship

Article 60 [sic]: Guardianship consists of protecting and raising the child, administering his or her property and representing him or her in court, and in all other acts of everyday life such as management of his or her affairs and financial transactions, and permission to obtain a passport or to travel.

Article 62: Guardianship shall end:

- when the child reaches legal age,
- when the child is emancipated through marriage or court order, starting from the age of sixteen full years.

Article 63: During marriage, the mother and father shall jointly exercise guardianship as a matter of law. The parents shall have rights and responsibilities concerning the custody, supervision and upbringing of the child.

The mother and father shall jointly administer the child's property.

Any disputes shall be brought before a Family Affairs judge.

Article 64: In the case of divorce, the custodial parent shall exercise guardianship. If custody is awarded to a person other than the two parents, the judge shall designate which parent or third party shall exercise guardianship. In any case, the non-custodial parent shall retain the right to supervision, which he or she shall exercise through the intermediary of the Family Affairs judge.

Article 65: If one of the two parents is incapacitated or absent, the other parent shall have guardianship. If one of the two parents dies, the surviving parent shall exercise guardianship. If both parents die, guardianship shall be exercised by a testamentary guardian designated by either of the parents.

Article 66: A parent who is the sole person to have recognized a child shall have guardianship. If the child is legally recognized by both parents, the custodial parent shall exercise guardianship. The non-custodial parent shall retain the right to supervision, which he or she shall exercise through the intermediary of a judge.

Article 67: In all other cases, a guardian shall be appointed by a judge based on the interests of the child.

Article 68: Any disposal of the child's property must first be authorized by a judge.

BOOK FOUR: OBLIGATION TO SUPPORT (MAINTENANCE)

Article 69: Support comprises everything necessary to life, including food, clothing, medical care, schooling and lodging.

Article 70: Spouses must support each other. Ascendants and descendants, regardless of the degree of relationship, are also entitled to receive a support allowance.

Article 71: The amount of the allowance shall be assessed in proportion to the income of the person who owes the allowance and the needs of the person claiming it, taking living conditions into account.

Article 72: An ascendant, regardless of the degree of relationship, must support his or her minor descendants who are incapable of providing for their own needs, regardless of the degree of relationship.

Support shall be provided to the descendants until they have finished school, provided they are not older than twenty-five years. Support shall be provided to disabled descendants who are unable to provide for their own needs, regardless of their age.

Article 73: If there is more than one child, the children shall contribute to supporting their ascendants in proportion to their wealth and not their number.

Article 74: The obligation to support between the spouses shall not expire.

Article 75: If one of the spouses is unable to support the children, the obligation shall fall to the other spouse who is in a position to do so.

Article 76: If spousal or child support is deliberately not paid for over a month, starting from the due date, the payor shall be liable to a prison sentence ranging from three months to one year. Once payment is made, the proceedings or sentence shall be suspended. The amount of spousal or child support shall automatically be paid to the beneficiary out of a guaranteed fund. Said fund shall have the right to seek recourse against the payor in order to recover the amount [it has] paid out.

BOOK FIVE: ESTATES

Article 77: Probate begins upon real or presumed death, the latter being duly established through a court ruling.

Article 78: If two persons die and it is impossible to determine which of the two died first, neither may inherit from the estate, regardless of whether they perished as a result of the same event or not.

Article 79: Any liabilities attached to the estate shall be paid in the following order of priority:

- any debts incurred through real property included in the estate,
- funeral and burial costs,
- any documented debts owed by the deceased,
- any valid and binding bequests,
- the inheritance.

Article 80: The requirements to inherit are:

- to be alive or at least to have been conceived at the time probate begins,
- to not be debarred from inheriting.

Article 81: A child who has only been conceived shall be entitled to his or her share of the estate if he or she is born alive.

Article 82: Estates shall be passed on to the surviving spouse, descendants, ascendants and collateral heirs of the deceased.

Article 83: Any collateral heirs shall be excluded from the estate if the spouse, descendants or ascendants of the deceased are still living.

Article 84: When inheriting an estate, brothers and sisters who are full siblings, half-siblings on the mother's side or half-siblings on the father's side shall be entitled to an equal share.

Article 85: In all other cases, the estate shall be passed on to the closest relative.

Article 86: In the event there are no heirs the estate shall revert to the state.

Article 87: The male and female descendants of a person who has preceded them in death shall inherit in place of the deceased, with equal shares going to each.

Article 88: Women and men with the same degree of relationship to the deceased shall be entitled to an equal share of the estate.

Article 89: A wife or husband shall inherit the same share in the estate of the spouse who preceded them in death.

Article 90: The surviving spouse shall receive life tenancy of the marital home. Said tenancy shall lapse if the surviving spouse remarries.

Article 91: A difference in religion shall not constitute debarment from inheriting.

Article 92: The following persons shall be debarred from inheriting and thus, are excluded from the estate:

- persons who have murdered the deceased, whether said person is the perpetrator or an accomplice.
- persons who are guilty of bringing a capital charge against the deceased through false evidence.

BOOK SIX: WILLS

Article 93: A will is a document in which a person freely disposes of all or part of his or her property, and which takes effect upon his or her death.

Article 94: A person may dispose of only a third of his or her patrimony if his or her ascendants, descendants or spouse are still living. If they are not living, all of the patrimony may be disposed of.

Article 95: Bequests may be made in the form of property not subject to life tenancy or in the form of life tenancy. Life tenancy bequests shall cease at the death of the legatee and the object of the bequest shall return to the estate of the testator.

Article 96: A will must be in the form of a notarized instrument, and may be revoked in the same form.

Article 97: Bequests made to a person of a different faith shall be valid.

Article 98: The legatee shall have two months following the death of the testator to accept the bequest. Silence on the part of the legatee during these two months shall constitute acceptance. Bequests accepted in part shall be executed for this part. The remainder of the bequest shall be null and void.

Article 99: All forms of *habs* and *waqf* shall be prohibited.

FINAL PROVISION

Article 100: All provisions contrary to those contained herein are hereby repealed.

TURKEY'S DOMESTIC VIOLENCE LAW: PROTECTION OF THE FAMILY

Source: Women for Women's Human Rights (WWHR) (Translated from Turkish to English)

Clause 1: If a spouse or child or another member of the family living under the same roof is subject to abuse, and notification is made either by the victim or by the Public Prosecutor, in addition to the provisions of the Turkish Civil Code, taking into consideration the specific circumstances, a Justice of the Peace can pass one or more of the following rulings or take any other measures that are deemed appropriate.

The accused spouse can be ordered:

- a. Not to use violence or threatening behavior against the other spouse or children (or another member of the family living under the same roof);
- b. To leave the dwelling shared with the spouse or children if there are any and not to approach the dwelling occupied by the spouse and children or their place of work;
- c. Not to damage the property of the spouse or children (or of others living under the same roof);
- d. Not to cause distress to the spouse or children (or others living under the same roof) using, means of communication;
- e. To surrender a weapon or other similar instruments to the police;
- f. Not to arrive at the shared dwelling while under the influence of alcohol or other intoxicating substances nor use such substances in the shared dwelling.

The above-mentioned measures can be applied for a period not exceeding six months and, if the accused does not abide by the rulings, s/he shall be warned that s/he is liable to arrest and confinement. The judge shall take into account the standard of living of the victim and rule on maintenance payments accordingly. Under the first paragraph of the statute, no fee is charged for applications.

Clause 2: A copy of the protection order is entrusted to the Public Prosecutor by the court. The Public Prosecutor monitors the application of the order thorough the police. In the event of the order being implemented, the police, without the need for the victim to submit a written application, will themselves conduct an investigation and transfer the documents to the Public Prosecutor within the shortest possible time. The Public Prosecutor can file a suit at the Magistrates Court against the spouse who does not abide by the order. The location of the case and the avoidance of loss of time in its expedition are governed by Law No 3005 on the Criminal Courts. The spouse who has not abided by the protection order can be sentenced to a prison sentence of three to six months.

Clause 3: This law comes into effect from the date on which it is promulgated.

Clause 4: The provisions of this law are implemented by the Council of Ministers.

COROLLARY TO THE CLAUSES OF THE LAW

Clause 1: The first clause of the draft provides for a member of the family who suffers abuse within the family, notification of which is either made by the victim or the Public Prosecutor, to secure one or more protective rulings, in addition to the provisions of the Turkish Civil Code.

For example, if a husband arrives home under the influence of alcohol and abuses his wife and children the court can pass a ruling that he is "not to arrive home under the influence of alcohol" or, if the husband needs to be kept away from the home, it can issue more than one ruling, such as "not to approach the wife's house or workplace", "Not to damage the wife's possessions", "to inform the accuses spouse's superior at work or his employer" or "to forbid the accused spouse from coming to their shared home. In extraordinary circumstances the court can also pass other similar rulings in addition to those enumerated.

If the Magistrate's Court considers that there is a possibility of the victim again being subject to abuse then it can pass an order immediately after the application without need for witnesses or hearing from the other side. Those who have suffered abuse are not responsible for proving to the court the possibility of being subjected to abuse. The court can issue rulings for a period of up to six months and if the accused does not abide by the court rulings s/he is warned that s/he is liable to arrest and confinement.

The presiding judge can make a maintenance order so as to prevent the victim from becoming impoverished. In order to set the amount of maintenance, an expert is required to conduct an investigation and determine the standard of living, of both the plaintiff and the defendant. In order for the victim not to incur any financial expense, no charge shall be made for applications to the Magistrates Court.

Clause 2: According to the second clause of the draft, a copy of the protection order shall be forwarded to the Public Prosecutor by the Magistrates Court and the responsibility for ensuring that the order is complied with shall be delegated to the police. In the event of the protection order not being complied with, the police shall conduct its own investigation, without need for the victim to submit a formal application, and forward the documents to the Public Prosecutor in the shortest possible time. The Public Prosecutor shall open a case at the Magistrates Court in the name of the state against the spouse who is not complying with the protection order. The aforementioned case shall be conducted in the manner and with the speed foreseen by the law on Criminal Courts.

At the conclusion of the trial, if the spouse who has not complied with the provisions of the protection order is guilty of another crime than s/he is liable to a prison sentence of three to six months. The passing of the prison sentence foreseen in this clause is based upon the accused being previously warned by the court of the consequences of his/her failure to abide by the protection order and the persistent endangering of the unity of the family. The aim of the setting of a six month upper limit for the prison sentence is to act as a deterrent and to ensure that the sentence does not fall within the scope of the punishments foreseen in the 119th clause of the Turkish Criminal Code.

Clause 3: The law will come into effect on its promulgation.

Clause 4: The implementation of the law is the responsibility of the competent authority.

