

VITAL VOICES

Safe and Secure: Eliminating Violence Against Women and Girls in Muslim Societies

السلامة و الامان:
القضاء على العنف
ضد النساء و البنات
في المجتمعات الاسلاميه



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**PHOTOCOPY
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SAFE AND SECURE:

ELIMINATING VIOLENCE AGAINST WOMEN AND GIRLS IN MUSLIM SOCIETIES

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Sisterhood Is Global Institute (SIGI) is an international, non-profit organization established in 1984 to improve women's rights at the local, national, regional, and global levels. SIGI has members from 70 countries, maintains a network of over 1,300 individuals and organizations worldwide, and carries out projects in several regions. SIGI's main goal is to empower women through human rights education and leadership training programs.

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PART I

Eliminating Violence Against Women and Girls—Introduction to the Manual and the Model

I. Violence Against Women and Girls

Flagrant abuses of women's human rights have occurred throughout history, and despite recent gains in securing international instruments for the protection of women, this trend continues. Women and girls have been the victims of female infanticide, genital mutilation, child prostitution, child sexual abuse, child marriage, incest, selective malnourishment, sexual harassment, pornography, foot binding, dowry death, rape, honor killing, sexual trafficking and slavery, and even torture and murder. Violence against women and girls transcends class, cultural, ethnic, and religious divisions. The use of violence against women and girls as a form of control is not only pervasive, but also varied in expression, reflecting cultural, political, and socio-economic differences within and among nations. Differences in economic capability, ideology, and social conditions call for an approach to the issue of violence against women that reflects universal concepts of human rights while accommodating the diversity of values and needs across the world.

II. Objective

SIGI's manual on *Eliminating Violence Against Women and Girls* helps grassroots populations in Muslim societies learn about universal human rights concepts and those major international human rights documents which address violence against women and girls. The manual relates the struggle to eliminate violence against women in Muslim societies to the process of empowering women. **Specifically, the manual assists women to identify sources of violence in the family, community, society, and state; to communicate their information about and understanding of violence to other women and men; and to influence governments to formulate and implement policies which eliminate violence against women and girls.** The manual targets women activists who are likely candidates to facilitate the empowerment of grassroots women, who in turn may influence their communities and governments to eliminate violence against women and girls.

III. The Model

The model underlying the manual is culture-based, grassroots-oriented, participatory, and dia-

logical. This model develops a framework through which facilitators may convey universal concepts of human rights in association with indigenous ideas, traditions, myths, and texts rendered in local idiom. It therefore uses local examples, familiar concepts, and idiomatic language. It promotes interaction among equals, reciprocity of roles between teacher and learner, and exchange of positions between communicators and audiences. Above all, it respects Islam, laying the groundwork for activists and grassroots populations to translate their faith from a set of historic concepts and rules into a vibrant element of everyday living.

The model helps human rights activists organize the process of education and mobilization to combat violence against women and girls in ways that are conducive to the development and implementation of human rights as defined in international documents. These documents focus on “women’s empowerment,” as the *Platform for Action of the Fourth World Conference on Women* (Beijing Platform) explains, especially when the issue is violence against women and girls. Empowering women requires cultivating leadership capability. Leadership, however, is a complex concept and must be defined carefully to preserve the model’s dialogical and participatory functions. In this model, leadership implies primarily an effort to achieve shared meaning in order to bring about a community of practice. Empowerment and leadership derive from collaboration rather than competition. Participants share their experiences to arrive at a common understanding of a problem and to develop strategies that they find reasonable and practical. The role of the communicator—the trainee in the manual who will become the trainer to the community—is to apply and adapt the model, assuring a creative interaction within a specific group to identify the sources and forms of violence against women and girls, bring together the themes of violence as defined in international documents and as understood in local contexts, and to devise effective strategies to combat violence.

IV. Violence According to the International Documents

The Beijing Platform defines violence against women as “any act of gender violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats to such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” Physical violence is most obvious, including acts that range from simple shoving and pushing to beating, torture, and murder. Sexual violence is more complex, often occurring within socially sanctioned relationships such as marriage and family. It is meshed with social taboos and cultural idiosyncrasies. It consists of any form of non-consensual sexual activity ranging from unwanted sexual touching to rape. Psychological violence aims at undermining a woman’s identity and self-confidence. It ranges from jeers and abusive language to threats of violence, including a threat to separate a woman from her loved ones.

According to the Beijing Platform, violence against women encompasses but is not limited to:

1. 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;
2. 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;
3. Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

The Platform identifies other acts of violence against women and girls as well. Among these are extreme cases of violations of women’s human

rights that occur in times of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy. Certain groups of women are most vulnerable to violence because of their especially disadvantaged conditions—female children, refugees and migrants, minorities, women in poverty, women in institutions or detention, women with disabilities, women in conditions of conflict, and elderly women.

Women may also be subjected to financial and spiritual violence, issues less commonly discussed until recently. In the financial arena, women are routinely cheated out of their inheritance or income. Husbands, family members, or male partners may deny women access to economic opportunity by inhibiting their activities outside the home or beyond certain limits in the community. In some cases, the state formally condones or otherwise supports such restrictions by means of legislation or executive orders.

Spiritual abuse has many faces. Typically, members of religious minorities—both men and women—experience discrimination. Significantly, women are also denied their right to learn and interpret religious texts and traditions. In fact, women in some Muslim societies have demanded their right to religious learning, seeking to understand these texts and traditions in a self-empowering manner. These women aspire to appropriate their freedom and equality without having to forego their claim to religion.

The Beijing Platform states that violence impedes women from realizing their human rights and fundamental freedoms. Women and girls are to a greater or lesser degree subject to violence in all societies. Physical, sexual, and psychological abuse of women cut 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.

Acts of violence against women and girls, whether at home, in the community, or by the state, “instill fear and insecurity in women’s lives and are obstacles to the achievement of equality, development and peace.” Violence against women and girls

inhibits their self-confidence. It is a mechanism used to force women into subordinate positions. Furthermore, in most places, most of the time, the abuse of women and girls goes unreported and is difficult for outsiders to detect. Often, even when such abuse is reported perpetrators go unpunished.

This places a significant responsibility on the state. The Beijing Platform enjoins the state and people in authority to inform women of existing laws and to pass and implement new legislation that protects women and girls against violence. Of equal importance, the state must train people in positions of authority in humanitarian and human rights law and punish perpetrators of violence against women. Governments “should promote an active and visible policy of mainstreaming a gender perspective in all policies and programs so that before decisions are taken an analysis may be made of their effects on women and men, respectively.”

V. Why Are Women Easy Targets of Violence?

In many cultures, the abuse of women and girls is not considered violence. Typically, men in these cultures control the knowledge industry, shaping emotional expressions, values, and even the facts to justify and perpetuate violence against women as a normal feature of life. They can do so because women lack the power to affect policy at the family, community, or state levels. A vicious circle operates here: Women are not in the political loop because they do not have cultural, economic, and social power; women do not have cultural, economic, and social power because they lack the political means to realize their objectives.

Violence against women and girls is a manifestation of the historically unequal power relations between men and women. Men have dominated and discriminated against women throughout the centuries. This has led to a pattern of violence against women, in particular, as the Beijing Platform explains, to “the harmful effects of certain traditional or customary practices and 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 that would equip them to protect themselves against violence. This includes knowledge of the existing laws, religious texts, international injunctions on human rights, and demands made by other women in their community and elsewhere for equal rights. Here, education in the broadest sense, including legal literacy and human rights education, plays a significant role.

VI. Violence in Muslim Societies

Muslim society is not homogeneous, nor do all Muslims live under the same laws. Over half a billion women in the Muslim world live in vastly different climates, cultures, economies, lands, and political systems. Recently, modernity has ushered in conflict, a spectrum of values and forces that compete for Muslim women's allegiance and summon them to contradictory ways of looking at themselves and at the world. The most taxing problem many Muslim women face at the dawn of the new millennium is how to resolve the contradiction between the exigencies of living in the contemporary world and the requirements advanced by proponents of traditional, Islamist world views. At the center of this conflict is the dilemma of Muslim women's rights—whether Muslim women have rights because they are human beings, or whether they have rights because they are Muslims.

Contemporary Islamist regimes are most distinct from other regimes through the positions they accord women in the family and in society. For Muslim fundamentalists, every domestic issue is negotiable except women's rights. The Islamist resurgence—exemplified by movements as varied as Jama'at-i Islami in Pakistan, Ikhwan al-Muslimin in Egypt, the government of the Islamic Republic in Iran, the Islamic Salvation Front (FIS) in Algeria, and the Taliban in Afghanistan—insists on singling out women's rights as the supreme test

of cultural authenticity. In some Muslim societies, such as Afghanistan and Algeria, the struggle for women's rights is now decidedly life threatening. The religious dictate relies for its legitimacy on an ethic and tradition that are symbolized historically by the institutions of *andarun* and *purdah*—that is, gender apartheid. Women increasingly question the ethic and the symbols as modernity pushes Muslim societies beyond traditional boundaries.

In modern times, most aspects of life in Muslim societies have adjusted to modern conditions and, consequently, to secular law. Only family laws, which affect the position of women most intimately, have resisted the forces of modernization. These laws condone violence against women by endorsing unequal grounds for divorce, limiting women's rights to travel and work, and accepting child marriage and polygamy, and advocating stoning for adultery. For instance, the veil, a vehicle for the symbolic and actual segregation of women from men, has become the emblem of male control of woman's spaces and movements. Thus, Muslim women's quest for an independent identity and human rights causes conflict between the forces of modernity and those of reaction. It ought not to be difficult to see why the most transparent reason for being of the contemporary fundamentalist movements is to stop the tide of change in the status of women.

Many contemporary Muslim women object to fundamentalist interpretations of their religion. As Muslim women across the globe strive for their rights, they articulate what these rights are, how they relate to Islam epistemologically, how they resonate with social and political power in specific Muslim societies, and how strategies that seek to promote them will or should be developed. Muslim women have identified the interpretation of religious texts as a top priority. As such, they must address the following questions: How should women approach these texts? What kind of expertise is needed for them to do so? How can experts include the insights of grassroots women in the interpretative process?

NGO activists, leader, and scholars are also looking into ways of educating the Muslim political elite: how to identify responsive decision-makers,

how to communicate reinterpreted text, how to develop criteria for judging the limits of political engagement, and how to help executives, legislators, and judges sympathetic to women's human rights implement change in the condition of women. They are also searching for appropriate patterns of mobilizing grassroots support, including ways of identifying women leaders at different levels, communicating methods of pressuring political decision-makers, and, more importantly, protecting women activists from moral and physical violence. This list, obviously not exhaustive, nevertheless signifies the dynamics of the relationship between women's human rights, politics, and the Islamic texts.

The most important feature of contemporary Muslim women's struggle for rights is that they reject the proposition that they cannot be free and equal with men and good Muslims at the same time. This they deny. On the contrary, they insist that a woman becomes an authentic Muslim only when she has achieved freedom and equality as an individual and citizen.

VII. Islam and Society: The Model's Underlying Premise

Most Muslims believe that Islam contains the essentials of human rights and that its content, as God's revelation, is superior to ordinary law. Consequently, human rights documents must be presented as consonant with Islamic tenets, if they are to succeed in Muslim societies. A promising education model, therefore, must be able to challenge the argument that universal human rights contradict Islamic tenets. A central premise of the model presented here is that there are no contradictions between universal human rights and Islam. This foundational statement is based on the following propositions:

1. The Qur'an as Word of God is eternal, infinite, and mystical, understood in its eternal and infinite function by the Prophet only. All other mortals have received and understood it according to their human gifts. The religious experience, i.e., the experience of the "Word of God," therefore, is by definition a personal experience, whereas obeying the "religious law," the *shari'a*, is obedience to man-made law.
2. The *shari'a*, the rules by which Muslim societies have been governed throughout centuries, is historically determined and temporally situated, since it has had to be rendered understandable to each age and community by reference to the requirements of that age and community.
3. Since human society has been organized hierarchically and patriarchally across the ages, *shari'a*, as laws inspired by all other religious traditions, reflects the social reality specific to a particular age. Consequently, the Qur'an as well as the sunna have been interpreted by the *ulama* to reflect the historical reality to which they belonged and which they favored. The reason it has been possible to have different interpretations by different interpreters at different epochs is that the original "Word" is infinite in depth and scope and therefore applicable to different circumstances and able to define evolving conditions.
4. There are specific verses in the Qur'an that attest that God foresees human limitation and consequently enjoins the Prophet not to force human beings in religious matters. Where the Qur'an clearly states that some social policy must be followed, the statement is, by implication, always bound to the requirements of time and place.
5. The moral impulse of the "Word" is toward equality for all. All instances of inequality are time- and space-dependent. Since the Qur'an values the human person as God's creation, it also values the individual person's right to live in equality with other persons under God.
6. These points produce a moral imperative in favor of achieving gender equality within Islam's ethical system. It is therefore morally incumbent on the political system to promote gender equality.

7. The above positions can be substantiated by reference to the Qur'an and the *sunna*, provided that one moves significantly outside the traditional epistemology of Islamic *shari'a*. On the other hand, they are directly supported by Islamic Gnostic tradition.

VIII. The Manual

1. Background

In 1994, as part of a series of regional conferences to prepare for the Fourth World Conference on Women, SIGI convened two conferences that touched significantly on the issue of violence against women. The first, "Refugee Women in Times of Conflict," held in Athens, brought together women from across the world who were victims of violence and women who were fighting to eliminate violence against women. The second, "Religion, Culture, and Women's Human Rights in the Muslim World," was held in Washington, DC. In this conference, participants pointed out the prevalence of violence against women in many Muslim societies, particularly in countries such as Afghanistan and Algeria, where the ongoing civil war raised the threat to women to increasingly critical levels.

SIGI's annual conferences in 1996 and 1997—"Beijing and Beyond: Implementing the Platform for Action in Muslim Societies," and "Rights of Passage: Women's Human Rights Education in Muslim Societies"—also emphasized the need to address violence as an integral part of women's human rights, particularly in relation to leadership development and empowerment. Subsequently, SIGI conducted several workshops in the Middle East, Central Asia, and North Africa in which professional women, university students, and underprivileged semi-literate women from rural areas participated. The facilitators and participants pointed out the pervasiveness of violence against women in their communities and its cost to women and to the society at large.

In conjunction with the "Rights of Passage" conference, SIGI invited several experts and activists as advisers to a project SIGI proposed to launch to help eliminate violence against women in Muslim societies. The advisers, most of whom live in Muslim societies, collected and sent to SIGI headquarters specific cases of violence, texts of laws relating to violence, and information about existing programs to combat violence. They were asked to identify relevant scholarly research and to suggest specific measures against violence that they deemed useful in the cultural context of their specific communities.

2. Developing the Manual

SIGI formed a Project Advisory Group consisting of Middle Eastern scholars, activists, and educators to consult on the design of the manual. The advisory group assisted with identifying themes, concepts, and priorities for development, and examining various human rights and other educational models that could be adapted to form a general framework.

SIGI has convened a series of workshops in Egypt, Jordan, and Lebanon, where components of the manual have been tested in different sessions. Facilitators for each test country and community have been identified and selected in consultation with the Project Advisory Group. The facilitators have in turn selected workshop participants to reflect a variety of educational, economic, and social backgrounds.

The facilitators have started conveying to SIGI headquarters a detailed and critical account of the operations and results of their respective workshops. They have reported in detail the suggestions and reactions of the workshop participants to the draft manual. Having received all the field results, SIGI has collated and incorporated the findings into a revised manual in conjunction with a meeting of facilitators and members of the Project Advisory Group which is finalizing the general framework and essential components of the training manual. SIGI will then complete revi-

sions to the manual and conduct a series of training workshops in several sites identified by the project partners.

3. Target Audience

The target group for this educational program consists of activists and educators in various public and private settings who will be trained to use the concepts and methods developed in this manual in their interactions with grassroots women. Participants are women working in fields such as child development, grade school or higher education, health care, journalism (or other writing), or law, and will generally possess sufficient education. They are strongly committed to improving the quality of life for women and girls at all levels of society and will actively seek to include women from all cultures, religions, races, classes, and ages in their work.

4. Uses of the Manual

Facilitators can use the manual on violence to:

- Develop innovative training and educational materials that will support the development of an organized movement to end violence against women and girls.
- Train key activists and human rights educators in Muslim countries to spearhead a strategic campaign at the regional level to inform and to change current thinking about and societal responses to violence against women and girls.
- Strengthen the capacity of activists and human rights educators to mobilize other professionals to create a support base for sustainable action, including meaningful legislation, to discourage and eliminate violence against women and girls.
- Develop innovative grassroots strategies that will enable a broad base of activist organizations to improve and further professionalize their services so as to inform women and girls about any and all legal remedies currently available and to link survivors of violence with

critical support services such as shelter and counseling.

5. The Manual's Contents

This manual consists of four parts (including this one), five appendices, and a bibliography. Part 2, entitled "Violence Against Women and Girls," analyzes the nature of violence, the justifications offered for this behavior, and the causes and consequences of this multi-faceted problem. This chapter ends with a series of recommendations for concrete action to prevent, resist, and cope with the after-effects of violence against women and girls.

Part 3 begins with a "User's Guide" to thirteen cases studies depicting violence against women and girls in Muslim societies. The presentation of each case reflects at least two practical questions which inform this entire manual: What does the human rights activist dealing with violence need to know? How and where can activists and grassroots women prevent and resist violence?

Each case study places violence against women and girls in a cultural, geographical, socio-economic, and, in certain instances, political context. Thus, the case studies should not suggest to readers that certain forms of violence are unique to the particular societies featured in Part 3. In fact, the statistics and other information offered at the outset of each case demonstrate that violence against women and girls is a global crisis. The perpetrators and victims of violence defy class, ethnic, geographical, racial, and other boundaries.

This manual concludes with Part 4, entitled "Creating a Culture of Peace." This chapter examines the causes and consequences for women and girls of the prevailing cultures of violence, especially at the international level. More importantly, Part 4 urges readers, particularly women, to take the initiative in cultivating cultures of peace at the family, community, national, and international levels. This initiative—a profound paradigmatic shift—is necessary to eliminate violence against women and girls and ensure peace in the international arena. As such, Part 4 provides recommen-

datations for concrete action, questions for discussion, and learning exercises—all of which may be read either in combination with the rest of this project or as a distinct curricular unit. At the end of Part 4, the reader—whether layperson, trainer, or workshop participant—has the opportunity to assess the manual’s utility by completing a detailed evaluation form.

Finally, this manual contains four appendices and an extensive bibliography. The appendices feature examples of projects designed to address violence against women and girls throughout the glob-

al south, international legal instruments protecting women’s human rights, samples of national legislation on violence against women and girls, and a list of various organizations that work in Muslim communities on this issue.

We hope that the appendices and bibliography stimulate readers to explore further the complex subject of violence against women and girls. More significantly, we seek to sensitize readers to this reality, inspiring both women and men to search for practical ways to rid their societies of such violence.

PART 2

Violence Against Women and Girls

I. Naming the Violence

What do people mean when they speak about violence? Are they always describing the same behavior? For example, much of what happens to people in armed conflict is violent. However, since armed conflict is often sanctioned in the name of patriotism or national interest, it is a form of violence which, under certain conditions, is not only accepted, but encouraged.

What about men's violence against women and girls? Is a loud word violent? Is a slap violent, or does it take more to be named violence? There are different levels of "acceptable violence" throughout the world, and often within the same society. Worldwide, between 20 and 40 percent of women report being beaten by their partners.¹ Is that violence?

Violent and abusive acts are often committed by individuals of greater power against individuals of lesser power to maintain the power structure which favors them. Throughout the world and to varying degrees, some males have this power over females and some other males as well. Essentially, human

power is expressed in three ways. The first is through reward: "If you do as I say, I will repay you with...." The second is through influence: Powerful members of the society and the media through which they communicate let people know which behaviors gain approval. The third way in which power is maintained is through punishment or threat of punishment.² Violence is a necessary weapon in threat-based relationships of dominance. The United Nations Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly in 1993, defines abuse against women as "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 threat of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life."

Some violence takes place in the private sphere—the family and intimate relationships. In such situations, cultural and social practices may legitimate the use of violence. A common mode of legitimizing violence in the private sphere is through a prevalent ideology of patriarchy or "rule of the father." Here, the belief is that since men are the

1. United Nations Population Fund [UNFPA], *A New Role for Men: Partners for Women's Empowerment*. New York: UNFPA, 1995.

2. This formulation of power comes from Kenneth Galbraith, *The Anatomy of Power*. Boston: Houghton-Mifflin, 1973.

“heads of families,” they automatically have the right to do as they wish in the private sphere. Common forms of violence in the private sphere are threats, name-calling and other verbal abuse, beating, sexual abuse of women and children, as well as psychological, economic, social, political and spiritual violence. In some cultures there is a prevalence of dowry-related abuse; in others there is female genital mutilation. Female infanticide and the selective malnourishment of girl children are other types of violence against women and girls in the private sphere.

Other violence takes place in the public sphere. Here, we may see discrimination against and humiliation of women and children because of their ethnicity, marital status, race, religion or social class. Women and children caught in situations of armed conflict, immigration and exile are beaten, robbed, raped, and tortured. The men who torture them often do this to humiliate the men attached to these women and, thus, to “win” in the conflict. Trafficking in women and forced prostitution are ways in which women are abused in the public sphere. Sexual harassment is a form of abuse in the workplace. The absence of laws governing working conditions can also result in violence against and abuse of women through enforced overtime, constant threats of dismissal, physically dangerous environments, and withholding of pay. There are many forms of violence which are perpetrated or condoned by the state through its legal and law enforcement systems.

Violence and abuse against females is not restricted by culture, geography, nationality, race or religion. For example, in 1993, 14,500 women were killed and more than 56,000 injured by their husbands in the Russian Federation. In the same year, in the Kissi District of Kenya, 42 percent of all women reported being beaten regularly by husbands. In India, police recorded 4825 “dowry deaths” in 1990. In Barbados, a national survey found that 33 per cent of women aged 20 to 45 had been sexually abused during childhood.³ In a study in Canada of 420 women between the ages of 18 and 64, 17 percent reported at least one experience of incest before the age of 16, 51 percent had been victims of rape or

attempted rape, and 27 percent had experienced a physical assault in an intimate relationship.⁴

Since violence against women and girls appears in every society in both the private and public spheres, and since there are varying societal responses to such violence, one must assume that it is a general problem throughout the world. This problem calls for solutions which are locally appropriate and internationally defensible.

II. Contexts of Gender-Based Violence

Gender-based violence and abuse against women and girls exists in the private and public spheres as an instrument of the powerful in consolidating their power. In many cases, violence against women and girls is justified by reference to custom and culture. There is an inter-meshing of social institutions which condone situations of violence, often by appealing to doctrines of male superiority or female inferiority. Often these views are taught in schools and promulgated within families. Law-enforcement institutions tend to protect the violators by claiming that they have no power to interfere, declaring the private sphere—the family or intimate relationships—out of bounds. Sometimes the state itself is averse to prohibiting violence against women in the private sphere, claiming that men have a right to maintain order in their households in whichever way they wish. Family law is often patriarchal and protective of males within households.

Are women ever violent? Yes, they can be, but in most cases when women resort to physical violence against men, it is in self-defense or in defense of their children. On the other hand, women can and do sometimes use verbal violence against men, often reactively. Some women are verbally violent and beat children. In no way can this be condoned. While it is important for women to “discipline” their children, violence is seriously beyond the acceptable range of discipline. There is little, however, in most cultures to

3. *A New Role for Men: 6.*

4. The Canadian Panel on Violence Against Women, *Changing the Landscape: Ending Violence-Achieving Equality*. Ottawa: Minister of Supply and Service Canada, 1993: 9.

reinforce women's verbal or physical violence which in itself is often a reproduction of how women have been treated. On the other hand, boys are raised to glorify violence in many societies which prize male aggression in sports, in business, in politics, and in war. Women's violence is neither supported nor praised, and in most places in the world, women do not have power to consolidate through threats of violence or through violence itself.

III. Types of Violence Against Women and Girls

Physical Violence: Gender-based violence is manifested in many ways. One most obvious way is by attacking the physical integrity of girls' and women's bodies. The ways in which this is done range from pushing and shoving, to hitting, beating, torture and murder.

Sexual Violence: This refers to any non-consensual sexual activity ranging from sexual touching to rape. Sexual violence can take place within marriage as well as in totally anonymous and arbitrary circumstances such as gang rape. Sexual violence can express itself against children through many forms of child sexual abuse, of which incest is one example.

Sexual Harassment: This is any unwanted and unsolicited attention of a sexual nature. It can be verbal or physical. It can affect women in the workplace or the public sphere or even in their homes with male relatives. Women are caught in a terrible bind in such situations: If they give in to sexual harassment, they are living against their own beliefs and can be subject to serious punishment. If they do not give in to sexual harassment, they can be victimized through loss of job and/or loss of credibility in their place of work or family, and they can be subject to further harassment. The expression "sexual harassment" is a new one in most languages. Until there is an expression for this kind of violence, there is little one can do

about it. Once there is an expression, it becomes actionable.

Violence Against Women in Situations of Conflict: Women and children are often the victims of wars which they have had no part in creating. They may be physically maimed or killed; they may be raped, forced to perform sexual acts which disgust them; they may be turned into slaves or prostitutes for the profit of men. Rape of the women from one warring group by the men of another is almost always considered a viable tool for undermining the enemy's confidence. Women and children who are forced to flee areas of armed warfare are often vulnerable to starvation, unattended illnesses, torture, sexual abuse, and murder.

Psychological Violence: This is any violence and abusive behavior which undermines women's dignity, self-confidence, or sense of self-worth. It may be exhibited through unwarranted criticism, taunts, jeers, insults, obscenities, abusive language, and the constant use of threats, some of which are eventually carried out. It may express itself through public humiliation. Sometimes it may be manifested by enforcing the isolation of women from family and friends and alienating them from their own children. In very tightly structured societies, psychological violence can be expressed by initiating gossip which will destroy a woman's reputation and credibility in a village, a work place, or a family. It should never be assumed that because it is not physical in nature, psychological violence is not harmful. It is a powerful tool for keeping women and girls subservient to men.

Financial Violence: In many cultures and places, women and girls work in the unpaid labor force taking care of their families. They do not have access to money, and the access they have is controlled by the men in their families. If the men in the family are not interested in supporting their wives and children generously or even reasonably, the lives of women in these situations can become miserable as they themselves and their children suffer from under-

nourishment and lack of access to the necessities of life. In very poor families, the limit on women's access to money and subsistence can be a matter of life and death, especially if the men's priorities lie outside the family. Women are sometimes cheated of their earnings or inheritance by men in their families, and they may also become murder victims on account of their husbands' dissatisfaction with dowries. In some cases, their right to earn is taken away by the family or by a culture which incarcerates women in their homes. As well, women are often denied access to literacy and numeracy, to credit, and to knowledge of how to invest money, all of which are likely to make them dependent on and often victims of the men with whom they live.

Social Violence: In many societies, there are cultural norms which do violence to women and girls. These might be genital mutilation, forced marriage, a caste system which places women at the lowest rung of the ladder, and ideologies which devalue women. Misogynistic ideologies may result in women's and girls' deprivation of education and of access to proper health interventions, and in their exclusion from decision-making in the private and public spheres. Social codes of violence and abuse of women reinforce the notion that women are men's property and therefore an excellent venue for the humiliation of one's enemies. This makes them vulnerable to "honor killings" and other forms of violence. Social codes which restrict women's rights mediate all their relationships, their rights of movement, and their rights to any ownership of land, making them especially vulnerable to other forms of violence and abuse. Social violence is also manifested in social structures of control such as laws which do not protect women's rights, and law enforcement agencies which often turn a blind eye to violence against women and children.

Political Violence: Many women and children are caught in wars which are not of their making. They may be mutilated, injured, killed, subject to terrorism, sexual abuse, robbery and the destruction of

their possessions. They may be forced into refugee camps and deprived of their citizenship. However, political violence is also expressed through the lack of protection of women's human rights in local, national, and international legislation, and through limits to their voice, vote, and political participation in their societies.

Spiritual Violence: Often customs deprive women of participating fully in the spiritual life around them. There are many situations in the world where both men and women are persecuted for their beliefs by antagonistic regimes, or even neighbors. As well, there are many social practices which violate women that are attributed to religion but are not to be found in basic religious texts. The violation of women's religious rights may be socially upheld even when there is no substantive proof that such action is God's will. Keeping women illiterate and isolated is a good way of enforcing spiritual violence.

IV. The Origins of Male Violence

Everyone fears male violence, even other men. How we explain male violence affects our ability to address it and to make the world a safer place for women and children. Theories attempting to explain male violence are many and complex:

Social and Historical Determinism: Deterministic theories regarding human behavior argue that "it was meant to be." They imply an acceptance of the status quo with the rationale that this is simply how people are. While they may invoke God's will as an explanation, they may also present "scientific" proof.

Socio-Biological Explanations: These are explanations based on evolutionary theory. The argument is that since innate male aggression has an evolutionary value in primate societies, it is simply inherent in "human nature." Through appropriate female partners, dominant males pass on their genes to male children, thus ensuring group

survival. There is obvious danger in applying theories based on the behavior of other primates to humans who are far from identical to them physically or socially. The sheer magnitude and social variability of supposedly genetically induced human characteristics and tendencies such as aggression, competitiveness, family life, hierarchy, political power, promiscuity, territoriality, and warfare make socio-biological argumentation look very much like a justification for the status quo. As well, this notion of innate genetic or hormonal propensities in men toward violence suggests that it is apparent in *all* men. However, we can see that there is significant variation in aggression and violence among men within the same society, and an analogous variation between societies. Therefore, if the degree of domination varies significantly, it can no longer be seen as a product of physiology, hormones or unchanging human nature. While it is true that men, on the whole, are physically larger and stronger than the women in their specific groupings, this does not necessarily account for violence since violent behavior is not restricted to the largest and strongest members of society.

Historical Rationale: Traditionally, history has been recorded and passed down as the history of men—their ideas, their adventures, and their exploits. On the whole, it has been men who were sufficiently literate to record their times, and they chose to record what they and other men accomplished or suffered. Women have been silenced historically through enforced illiteracy, lack of economic resources, exclusion from governance, and lives physically affected and shortened by frequent pregnancy and childbirth. The historical rationale points to recorded history as proof that men have always been violent and that civilization is a product of violence and warfare. The fact that most historical documentation until very recently is by and about men is not taken into account when historical arguments are forwarded. The subjectivity of the recorder, seen as an objective account of the truth, is used as an argument to support the notion

that patriarchy and the male violence used to ensure dominance are natural and inevitable. As more is uncovered about women's role in history and their contributions to building civilizations, usually without recourse to violence, this argumentation is losing ground. As technology produces instruments of war with an increasing possibility of destroying the entire world for everyone, there is also a growing recognition among some men that there are wise choices other than violence for the resolution of conflict.

Social Construction Theory: This kind of theory sees much of human behavior as socially constructed rather than biologically determined. It claims that many of our beliefs and customs have been constructed by socially dominant groups in order to maintain their economic, political and/or hegemonic power.

With respect to women and men, social construction theory differentiates between sex and gender. It relegates biological differentiation to the domain of "sex." Social construction theory is unlikely to attribute many characteristics of either gender solely to biology, but emphasizes the multiplicity of ways in which people experience their bodies—their biological characteristics. It argues that social values and prohibitions mediate all human experience, even that of our own physicality. The word "gender" then becomes the way in which each of the sexes experiences and explains all sex-attributed values and behaviors. From this view devolves the analysis that all societies attribute different qualities, needs, and roles to each sex. Some sex roles are biologically based in the particularities of pregnancy, parturition, lactation and child care. It is observable that much socially enforced sex-related behavior differs from culture to culture, and has differed in historical periods within the same culture. Therefore, social construction theory argues, it can be demonstrated that changes and differences in socially attributed sex roles are not usually ordained by immutable biological realities, but more often by changing social conditions and requirements.

In addressing the issue of male violence, social construction theory asks the following questions: What forms of violence are socially sanctioned or socially tolerated? What forms of violence seem built into the very structure of our societies? Whose interests are defended by socially sanctioned forms of violence? Why has violence been the linchpin of so many societies, and why has the “manifold expression of violence been perpetrated disproportionately by men? How are patterns of violence and the quest for domination built up and reinforced?”⁵

Ideology of Dominance: Masculinism is the ideology that justifies and naturalizes male dominance; it is manifested through patriarchal institutions which control both the private and public spheres in all societies. Historically, most religious and political ideologies have been articulated, manifested in societal structures and organizations, maintained, and protected by men throughout the world. Women’s range and kind of participation in these societal structures is prescribed and rationalized by men. Men’s struggle for dominance over other men and women, other geographical entities and nations, and over nature itself has been theorized from various standpoints through anthropology, economics, history, political science, psychology, religious studies, and sociology in modern and contemporary academic settings. While socio-biological determinists will argue that it is natural to have an ideology of dominance and power, those who adhere to social construction theory will argue that it is possible to reduce people’s desire for dominance and power by creating attractive models of shared power. Numerous models of shared democratic power have been developed. These models, however, do not always address the issue of violence as an instrument to ensure the concentration of power, dominance and privilege in the hands of a few males in the public sphere and of all males in the private sphere.

Which men dominate a particular society may be a function of race, class, ethnicity, tribal and family associations, caste systems, religion and

other rationales for systemic inequity. Violence against women and girls is often mediated by these aspects of their identity and placement as well as their sex. Ideologies of domination inherently justify the subjection of people who do not fall into the category of the oppressor. Violence is the instrument by which the “superiority” attributed by ideological articulation is maintained.

Reasons/excuses given for men’s violence against women vary:

- **Poverty.** Sometimes, the frustrations caused by poverty or job related stress are cited as reasons for male violence.
- **Displaced rage.** Men who are victims of violence from other men may displace their rage into acts of violence against women and girls.
- **Provocation.** Violence has been invoked by women’s and girls’ intransigence or provocative behavior. Men will cite women’s flirting with other men or their disobedience. In such cases, there is usually an ideology referenced or invoked which claims men’s right to dominate women, and violence as an expression of “natural” virility. Violence is a socially sanctioned way of resolving conflict. In some instances men, will cite their honor: Their families’ honor has been attacked by a woman’s behavior or her being defiled by a man from an enemy group. The argumentation from the point of view of honor provides the rationale for honor killings throughout the world. Inherent in this argumentation is women’s innate lack of honor.
- **“The devil made me do it.”** Here, men portray themselves as passive victims to alcohol or drugs which make them behave violently.
- **Male rituals of belonging.** Sometimes, the initiation of men into groups of men is seen as a reason for violence. Violent men in groups will often force members to “prove” their virility through rape and other forms of physical abuse of women.
- **Legal rationalizations.** Sometimes, men can claim that they are following laws that do legit-

5. Some of these questions originate in Michael Kaufman, “The Construction of Masculinity and the Triad of Men’s Violence,” in Michael Kaufman ed., *Beyond Patriarchy: Essays by Men on Pleasure, Power, and Change*. Toronto: Oxford University Press, 1987: 4.

imize violence against women and girls—for example, laws that condone honor killing and lower the age of marital consent. Men even argue that they have a *de facto* or legal right to “discipline” women and girls, thus preserving the family and social order.

The Social Institutionalization of Violence: Most social constructionists argue that the historically constructed definition of maleness in many societies informs the socialization of young boys into men. Arguing that since most societies do not provide equal access to resources, and since men are the dominant group, it is important for the survival of men and their families that men be socialized into competitive behaviors which will ensure their supremacy. This is often accomplished through rituals of initiation, sports, and military training. The desirability of the respect accorded heroes needs no explanation, and in most societies, the men with physical power (athletes), political power (politicians), the power of extreme force (the military), and/or the power to persuade (the media) are the most likely to be worshiped in their lifetimes as heroes and to be immortalized and used as role models for young boys. Statues of military heroes do not emphasize the horror of wars, or the rape and plunder which accompany this enterprise. Rather, they offer a sanitized vision of personal sacrifice and acts of great courage and valor—often against almost super-human odds—undertaken to defend not only the resources of a country, but also to defend honor. Thus, honor is a justifiable reason for group violence in the public sphere and is also justifiable grounds for individual acts of violence in the private sphere.

Conclusions on the Origins of Male Violence: If the socio-biologists are correct, there is nothing which can be done about male dominance and violence. On the other hand, there are many instances of male self-sacrifice, tenderness, love, and altruism. Why would one set of characteristics be truer than another? Social constructionist theory implies that what has been learned may be unlearned, that

social change is possible when conditions change. Women the world over are being accorded more civil rights through international agencies as well as through local governance. They are also becoming more aware of the rights they have been accorded. The notion that people are not born violent but that it is learned behavior is central to the project of social change for those working to eliminate violence against women and children.

V. The Cost of Violence Against Women

Costs of Physical Violence: Broken limbs, lacerations, scars, cuts, bruises, internal damage, brain damage, and reproductive damage including the inability to bear children, are some of the costs of physical violence against women and girls. Not all of these physical problems are treated. Some women are ashamed to show their wounds; Others do not have the financial means or the power of free movement needed to have their wounds medically addressed. The immobilization of women victims of violence is costly in health care, and also in lost work hours, lost wages, and the deploying of other women to do work they are unable to do at home.

Costs of Psychological Violence: Women who have been the victims of violence may become clinically depressed and dysfunctional in caring for their families. Children who have witnessed violence may become highly problematic at home and in school, and later they may reproduce those violent behaviors in their relationships. They can become an enormous economic expense to a society in which they will exhibit anti-social behaviors through violent crimes, making the society liable to the expense of their subsequent imprisonment. There are numerous studies which show that living in an environment where violence may break out at any time causes many psychological traumas and cognitive dysfunctions which make it impossible for children to succeed in school, for women to concentrate sufficiently to work in the paid labor force and con-

tribute to the sustenance of their families or to support themselves. Some women who are regular victims of physical abuse take to alcohol or drugs to numb the pain they suffer.

Costs to Women Workers and Their Families:

Women in the paid labor force who are victims of violence often find themselves unable to concentrate in their work, or miss work because of their injuries, thus exhibiting decreased productivity which makes them vulnerable to dismissal and greater poverty and dependence.

Loss of Talent and Brain Power: Women and girls who are victims of violence are less likely to want to stand out in any way. The fear in which they live is an obstacle to their education and growth. They are less likely to live up to their potentialities and contribute as much as they should to the societies in which they live. Is there any society which can afford to lose the talent and contributions of its women and girls?

Summary: The economic costs of violence against women and girls are enormous. They involve the cost of medical and psychological help where it is used, the lost income, the judicial and enforcement costs where they are called upon, and the costs of incarceration of the perpetrators. Clearly, a better investment of public money would be in the prevention of violence than in the *post hoc* treatment of victims and/or perpetrators.

VI. Making Changes: What Can Be Done to End Violence Against Women and Girls?

A. Provide Services for Women and Child Victims of Violence:

1. Form women's groups which can counsel and represent women and girls who are victims of abuse, pressure governments into changing and enforcing laws and conventions, and undertake

programs of public education on the prevention of violence against women and children.

2. Have a women's group do an audit of the kinds of violence against women and children most prevalent in their communities. They should then prioritize the problems, brainstorm solutions for them, and set up a critical path to realize their solutions.
3. Create shelters for the safety of battered women and children until they can find long-term solutions. In situations where there is long-term danger for women and children, create second-stage housing for them.
4. Design and present workshops for women and girls, advising them of their human rights to bodily integrity, naming the violence, and encouraging them to discuss ways of addressing violence in their own lives.
5. Train medical personnel to recognize and treat victims of violence and ensure that these situations are investigated.
6. Develop appropriate counseling techniques and services which are available to all women and children victims of violence.
7. Support the education and training of girls and women into economic self-sufficiency in order that they will not be financially obliged to stay in dangerous situations with abusers.
8. Cultivate independent income sources for women by forming cottage industries, credit groups, and cooperatives.
9. Create women police forces and police stations so that women victims of violence will be more confident in coming forward with their problems.

B. Change Men's Behavior:

1. Implement gender-sensitive education at all levels of schooling, from grade school to high school and within public institutions of higher learning. Such education could emphasize the positive interaction of girls and boys in study and in play, offer equal opportunities to girls and boys to study the same subjects, and stress

the importance of adult role models—both women and men—from various cultural, economic, ethnic, political, racial, and religious backgrounds.

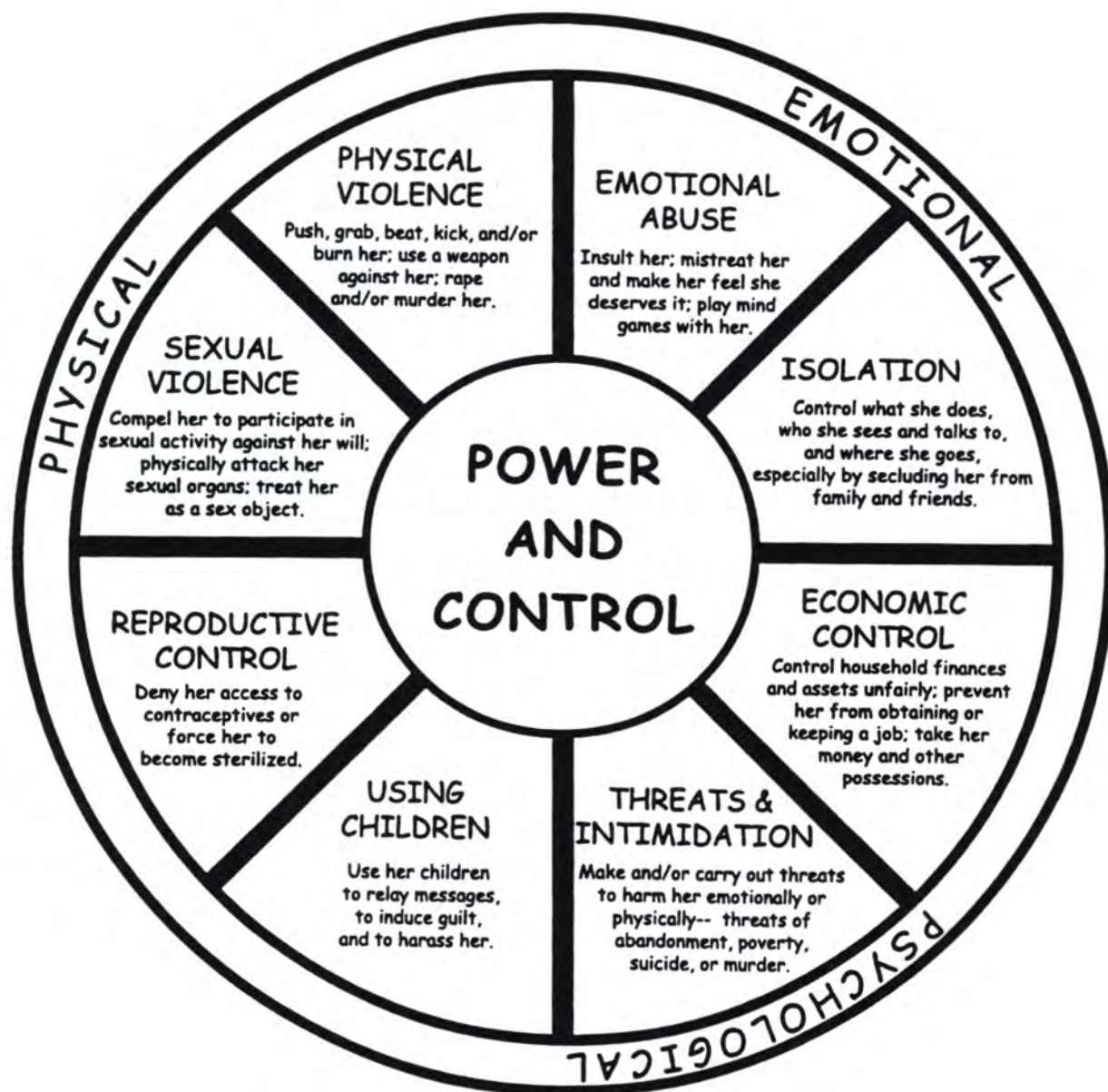
2. Some research indicates that if men participate fully in family life, they are less likely to be violent or economically irresponsible to their wives and children. Some of the ways of enhancing men's roles in family life include encouraging them to be present at the birth of their children, cultivating close relationships between men and their children, and having men share in household tasks. Some of the problems this kind of solution raises are that it challenges long-held traditions and may create resistance, that it renders men more vulnerable in the workplace, and that men have no role models for this kind of change.
3. Bring about change by creating a legal and ethical framework that fosters social and economic justice in marriage and in the parent-child relationships.
4. Increase the price men pay for their violence through laws that fine them, imprison them, and/or banish them for acts of violence against women and children.
5. Establish therapeutic treatment programs for abusers. Although the success rate of these programs is often low and the drop-out rate is

high, it still might be worthwhile creating such programs as part of abusers' prison treatment.

6. Set up programs of popular education which promote gender equity, responsible fathering, and alternative masculine role models.

C. Alter Legal Practices:

1. Form women's groups to examine and change the laws in their communities in order to protect women and children from violence. These groups will learn how to pressure legislators for change.
2. Develop liaisons between law enforcement officers and women's groups.
3. Train law enforcement officers to ensure that initial police response to violence does not lead to revictimization of the victims.
4. Educate lawyers, judges, and legislators about violence in its many guises, and about the human rights issues related to violence. Pressure them to establish an appropriate protocol regarding how they will address violence against women and children.
5. Lobby governments to ratify and implement international human rights agreements and treaties, to remove inappropriate reservations, and to support the pursuit of international criminal justice.



PART 3

Confronting Violence on a Daily Basis— User's Guide to Case Studies

Women and girls in all Muslim societies—indeed, in all societies—confront the problem of violence in the private and public arenas on a daily basis. This third part of the manual presents to workshop facilitators and participants, and/or to general readers, case studies of violence against women and girls in Muslim societies. These case studies are based on factual accounts collected by the Sisterhood Is Global Institute. We have changed the names of people involved as well as other details to protect those individuals who came forward with their experiences. As such, these cases depict typical episodes of violence perpetrated against females in these culturally, ethnically, politically, and socio-economically diverse societies.

These case studies focus on thirteen common forms of violence against women and girls in Muslim societies:

1. verbal and psychological abuse (Egypt);
2. financial and resource coercion (Iraq);
3. verbal and physical assaults in public spaces (Morocco);
4. sexual harassment on the job (Turkey);
5. forced child labor (Pakistan);
6. spousal abuse (Malaysia);
7. female genital mutilation (Sudan/optional session);
8. rape (Kuwait);
9. prostitution (Indonesia);
10. child marriage (Iran);
11. honor killing (Jordan);
12. crisis situation: state-sanctioned gender apartheid (Afghanistan/optional session);
13. crisis situation: women in the midst of armed conflict (Algeria/optional session).

We do not wish to suggest that these forms of violence are somehow unique to the Muslim societies listed. Rather, these societies serve as the contexts for violence based on the factual accounts we collected. As the statistics and other information at the start of each case study illustrates, these types of violence occur not only in other Muslim societies but also elsewhere around the world. Ironically, the difficulty of gathering statistical and other information about various forms of violence against women and girls reflects the belief in some societies that this is not a serious problem worthy of study.

The order in which these case studies unfold represents an escalation from psychologically damaging to life-threatening forms of violence. Significantly, the violence perpetrated against women and girls is as egregious and frightening in the private sphere as in the public arena. Laws that prohibit violence in the private sphere are often ambiguously worded or even non-existent. Some laws even encourage acts of violence—for example, laws that lower the age of marital consent or condone honor killings. More importantly, law enforcement officers—police, lawyers, and judges—are frequently reluctant to prosecute such crimes. Patriarchal and traditional interests reinforce this reluctance—considering a man's home his sanctuary and the woman his property, linking the family's honor to the woman's appearance and behavior, and claiming to speak in the name of cultural authenticity and/or economic necessity.

Armed civil and international conflict tends to aggravate the frequency and severity of human rights violations against women and girls in both the private and public arenas, as current conditions in Afghanistan and Algeria demonstrate. Even in communities that have adopted the language of conflict resolution, civil society, and democratization, authorities sometimes quietly tolerate or simply ignore the problem of violence against women and girls. Thus, the private and public arenas may overlap, because when women seek redress for violence occurring in their homes, they must mobilize their economic, legal, and political resources. Yet when they try to mobilize these resources, men may feel threatened and intensify violence against women in both the private and public spheres.

These case studies illustrate various human rights violations against women and girls. Each case study is followed by a series of questions for discussion, and by interactive learning exercises. The aim of these questions and exercises is to stimulate human rights advocates and lay-readers alike to develop strategies for dealing with violence against women and girls. SIGI bases this manual on the assumption that professionals *and* lay-people must brainstorm and find solutions to this multifaceted problem if Muslim (and all other) women

are to prevent, resist, and cope with the after-effects of violence in ways that are culturally authentic as well as politically and socio-economically feasible.

Consequently, we encourage the manual's users to strike a balance between structure and flexibility. The cases of violence presented here are best discussed during ten to thirteen weekly workshop sessions, each lasting about three hours. Yet we recognize that workshop facilitators will have to adapt the format and substance of the manual to suit their particular circumstances. Because the case studies presented here are not exhaustive, we urge facilitators and workshop participants to collect accounts of violence against women and girls that are common in their communities—for example, female infanticide, dowry murder, and trafficking. In fact, facilitators may find useful and necessary the development of case studies not yet presented in this manual.

As various communities test and adapt this manual, SIGI urges users to keep careful records of their experiences with this educational model. Workshop facilitators and participants may wish to keep journals to express the feelings evoked when discussing violence and/or to describe the strategies developed to prevent and resist it. Alternatively, facilitators and participants may want to reserve the last ten to fifteen minutes of each workshop session to assess each case study's strengths and weaknesses. SIGI has also provided an evaluation form at the end of Part 4 for the manual's users to complete.

In short, the evaluative component of this manual is significant, because SIGI does not aim to preach one truth about how to eliminate violence against women and girls in Muslim or other societies. Rather, we seek to promote dialogue about this problem among people of diverse backgrounds—women and men, Muslims and non-Muslims, urban and rural dwellers, the formally educated and those seeking access to learning, etc. This dialogue will empower people, especially women, to identify and prioritize their concerns and to seek vindication of their human rights. Of equal importance, the dialogue about violence against women and girls is a necessary step toward the creation of a culture of peace and the establishment of gender-sensitive civil society and democracy.



THE CASE STUDIES

Case Study 1: Resisting Verbal Abuse and Psychological Violence

Aida's Story in Egypt—Torn between Family and Career

Aida is a 30-year-old Egyptian woman with an advanced degree. Energetic, and articulate, Aida is a committed citizen who lives in Cairo and works in the areas of development and human rights. Although she projects self-confidence and warmth to all who know her, the male members of her family—especially her older brother, Gamal, and her father—criticize her decision not to marry for the time being and to work on “controversial projects.” Aida’s mother is concerned about her daughter but does not wish to irritate her husband and eldest son.

Initially, Aida tries to convince Gamal—once her childhood playmate and best friend—that her work serves all Egyptians and that her family should be proud of her decision to return to Cairo. However, Gamal is relentless in his insults against Aida. For a few months, Aida simply ignores the comments of her male family members and spends many hours of each day at work. She considers confiding in Haifa but does not wish to burden her only sister. She also fears that Haifa’s husband will reveal their conversations to Gamal.

While earning the accolades of her colleagues, Aida attempts to respond to Gamal’s escalating attacks. Yet she backs down from these confrontations quickly, because he even resorts to obscene language to belittle her choices, shouting at a family dinner that only “easy or ugly girls” remain unmarried after the age of twenty-five. As Aida struggles to hold back tears, Gamal accuses her of flirting with one of her male colleagues. He warns, “If I ever catch you even looking at him again, you are finished!”

Increasingly demoralized, Aida continues to work, leaving home before the sun rises and returning after dark when Gamal is out with friends or asleep. Although she successfully avoids her brother and father for days at a time, she is losing weight and

*DID YOU
KNOW THAT ...?*

*Severe psychological
and verbal abuse often
accompanies physical
abuse in intimate
relationships.*

*Source: “Violence
Against Women,”
<http://www.who.int/inf-fs/en/fact128.html>.*

cannot sleep. Torn between her commitment to a fulfilling career, her desire to help her compatriots, and her family's expectations, Aida cannot suppress her anxiety and pain, crying unexpectedly in the privacy of her office. Sobbing uncontrollably, she fears that a colleague, or even worse, her supervisor, may find her in this condition. She is constantly struck by the contradiction between her responsibility to defend other people's human rights at work while living in fear of her own brother at home. She misses the brother with whom she played and laughed as a girl. She can no longer concentrate on her work.

Questions for Discussion

(Answering these questions should take 1.5 hours)

- Do Gamal's insults constitute violence against Aida? Why or why not?
- Is Gamal violating Aida's human rights? If so, which rights is he violating?
- How should Aida respond to her dilemma?
 - Should she ignore Gamal and hope that he grows tired of their confrontation?
 - Should she consider leaving her job?
 - Should she turn to her colleagues at work for advice and support?
 - Should she fight back in kind, insulting Gamal and, thus, venting her frustration?
 - Should she enlist the assistance of other family members? If so, should she confide only in the female family members? Why or why not?
 - Should she save enough money to rent an apartment and live with a relative or a close friend who understands her personal and professional choices?
 - Should she try to reason with Gamal and her father?

Which of these alternatives is most feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how to resolve the problem of family members' verbal assaults against women?

- In your view, why does Gamal persist in insulting Aida? Why does his family tolerate his behavior?
- What is the emotional, psychological, and physical impact of Gamal's insults on Aida? Could Gamal's verbal assaults escalate into physical attacks against his younger sister? Why or why not?
- What aspects of culture, tradition, and/or the legal system condone verbal assaults against women by family members? What aspects condemn this behavior?
- How do you define violence? How do you define human rights?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) As you consider Aida's predicament, break into pairs.
- 2) With your partner, discuss an experience in your own life of verbal assault by a family member or friend. Each of you ask the other the following questions:
 - How did the situation make you feel?—angry, apathetic, frightened, sad, or what? Why did you feel this way?
 - How did you deal with the perpetrator of these assaults? Did you appease, confront, and/or ignore him or her? Did you enlist the assistance of family members, friends, and/or colleagues?
 - Did you succeed in ending the verbal assaults? If not, why not? If so, how did that success make you feel?
 - As you share your experiences, can you relate to Aida's dilemmas? Why or why not?
- 3) Reconvene the group. Each pair should share one of its stories with the group. As you listen to the other pairs' experiences with verbal assault, ask yourselves: What do these experiences have in common? What makes them different?
- 4) Pick the three most important common themes that emerge from sharing your stories.

Case Study 2: Escaping Financial and Resource Coercion

Maliika's Story in Bangladesh—Wanting to Save Her Own Money

Maliika is 40 years old and has worked on a construction site just outside Dhaka since before she married Saiful 20 years ago. Her hands and feet are raw and covered with cuts and blisters from breaking stones. Yet Maliika has never seen her earnings in full; her husband takes the pay envelope from her as soon as she receives it.

She wonders what Saiful does with the money in the envelope, especially now that their four daughters have grown and married. After all, they no longer use the money to feed and clothe the children. Maliika does not even know where her husband keeps the money she earns. She must ask him to give her whatever she spends at the marketplace.

Each time Saiful gives Maliika a small allowance, she saves some change, hoping to spend it as she desires—maybe to buy sweets for her two grandchildren or a new head scarf for herself. She keeps the change in a tiny jar hidden from Saiful but has begun to wonder why she must even ask for an allowance. She has secretly dreamt of counting her earnings and going to the marketplace herself—without asking Saiful's permission. Yet she would never dare.

One day, after receiving her pay, she gently tells Saiful that she wishes to keep her money—at least some of it. Saiful's reaction is jarring: "You'd better give me that envelope, or else! You cannot even count properly! How do you intend to keep track

**DID YOU
KNOW THAT ...?**

Financial constraints are a key reason that women do not leave situations of emotional abuse and domestic violence.

Source: "A Violence Against Women," <http://www.who.int/inf-fs/en/fact128.html>.

of this money without losing it? I give you more than enough allowance—more than you deserve!”

A bit frightened but seeking to soothe Saiful’s temper, Maliika reassures her husband, “Of course, you give me enough money for my marketing. This is not the point. I have worked at the site with you for more than 20 years and never even seen what is in my pay envelope. All I want to do is....” Before she can finish, Saiful cuts her off, “What is this? You think I want a wife who questions me about money!” He grabs the pay envelope from Maliika’s hands, almost tearing it.

As their argument escalates, Maliika, stunned at Saiful’s objections, grows bolder. “My dear ... The girls, thank God, have married and are managing with their husbands. So where does my money go? Where do you put this money? How do we use this money?” Interrupting, Saiful yells, “Your money! I didn’t know that you had your own money! I thought you worked for this family?! I am your husband, and you and this pay envelope belong to me!”

Maliika is furious. “Yes, I work for this family. I have done nothing else my entire life. I have never asked for anything. You spend the money you make at the construction site and the money I make however you like—drinking with your friends at the coffee house and who knows where! You know, I....” Maliika stops herself. She is about to admit to her husband that she hides some change from her allowance in a jar...change that she is afraid to spend, lest her husband find out.

Threatening, Saiful shouts, “I shall not have my wife question how I spend this family’s money! You should not raise this matter again! You would have nothing without me! I keep track of our earnings and expenses. Now, I have had enough of this arguing!” Saiful storms out of the apartment, the door rattling behind him.

Alone, Maliika paces the floor, wondering how her husband has twisted their conversation around to blame her. Frightened and frustrated, she worries about her husband finding her jar and contemplates quitting her job: “What if Saiful finds my savings? He will never forgive me. But why should I work so hard? He doesn’t appreciate this, and I can’t even see my own earnings unless I hide these few coins. He is probably out wasting the money in my envelope right now.” In anger, Maliika is tempted to escape the apartment as Saiful has done. Yet she has nowhere to go even to pass the time for a few hours. She has little of her own.

Questions for Discussion

(Answering these questions should take no more than 1.5 hours)

- What should Maliika do to deal with her husband’s behavior?
 - Should she simply quit her job because Saiful takes her pay envelope?
 - Should she raise the issue again with Saiful when he returns home?
 - Should she enlist the support of her daughters in convincing Saiful that she has a right to keep her pay envelope?
 - Should she continue to hide some from her allowance? What are the potential consequences of this action?

Which of these alternatives is feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how to prevent or confront financial and resource coercion?

- What is the emotional and psychological impact on Maliika of Saiful taking her pay envelope as soon as she receives it? Why does she dream of spending her money without his permission?
- How does a wife/mother working outside the home affect a family's finances and household expenses? Is a woman who works outside the home more or less vulnerable to this kind of dispute with her husband? Why or why not?
- Should a woman who does not work outside the home have a voice in how her husband and other family members spend the household earnings? Why or why not?
- To what extent are a husband and wife financially accountable to each other?
- When a husband takes his wife's earnings or possessions—as Saiful does with Maliika's pay envelope—is he perpetrating a form of violence against her? Why or why not?
- Is Saiful violating Maliika's human rights? If so, which rights is he violating?
- What aspects of culture, economy, tradition, and/or the legal system condone financial and resource coercion by men? What aspects condemn this behavior?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) As you consider Maliika's dilemma, forge a group consensus on the kinds of expenses that a family must meet. Consider which expenses are most and least important to the family. Ask yourselves: Do women and men tend to set different priorities when allocating funds for household expenses?
- 2) Then, ask yourselves: Who should manage the household finances? Is there any way for the husband and wife to manage the household finances together? What are the relative advantages and disadvantages of this joint approach?
- 3) Ask for four volunteers from the group to explain how the finances are managed in their own or their parents' households. These four should answer the following questions:
 - Who works outside of the house in your family?
 - What are some of the typical household expenses incurred?
 - Who makes the family's financial decisions? Why?
- 4) After these four have spoken, as a group, compare their answers to these questions. How did their answers differ? How were they similar? Did any members of the group feel that they were subject to violence in the form of financial or resource coercion? Why or why not?

Sexual harassment of women and girls in public places occurs in every society around the world. In India, this practice is referred to as "Eve teasing."

Sources: Duvvury, Nata. "Domestic Violence in India." an unpublished paper; Kishwar, Madhu. "Sex Harassment and Slander as Weapons of Subjugation." Manushi. Nos. 68-73 (1992): 2-15.

Case Study 3: Moving Freely In Public Spaces

Bouthaina's Story in Morocco—Harassed and Hurried in the Souk

Once a week, Bouthaina takes a bus from her village into Rabat to go to the *souk* (marketplace). There, she buys fruits, nuts, and fabric to sew her children's clothes. At 35 years old, Bouthaina has recently rediscovered her faith, praying daily and veiling in public like the other women in her family. Recently, she has been attending religious classes conducted by a woman teacher who moved to the village.

When she walks into the market, she drapes her *hijab* loosely over her head and shoulders, holding her veil with one hand and her packages in the other. Ironically, while she considers her return to the *hijab* a sign of modesty, the men at the marketplace comment on her new choice of clothing.

As she moves through the hustle and bustle of the marketplace, she hears one man's voice just an arm's length away, "You are so beautiful, lady." As he reaches out to touch her, Bouthaina backs away and begins to walk again. She has seen this man before at the market. Now he is following her. Taunting her, he shouts, "Lady, come back. Let us see you. You look so lovely strolling through the market!" Bouthaina feels her face redden as she protests, "I do not stroll through the market. I am here to shop for my family and go home. Leave me alone!"

However, the stranger persists: "Lady, you are teasing us. You move so softly. Take me with you. I wish I could see you. You are so pretty." Bouthaina cannot contain her anger: "How dare you? Leave me alone, or else!" Bouthaina's ire only encourages the man who is now standing right in front of her. Unveiling her with his eyes, he insists, "Don't be coy. Let me look at you!" Suddenly, Bouthaina feels his searching hand pinching her leg. Shocked and frightened, she drops her bags, fruit and nuts tumbling to the ground. Instinctively, she grabs the groping hand, warning, "Don't touch me! You are filthy!" Pushing the man's hand away, Bouthaina struggles to regain her composure.

As she picks up the fruits and nuts she had purchased earlier, she realizes that a small crowd of merchants and shoppers has gathered to watch the spectacle. Although the man has stepped away from Bouthaina, she spies him out of the corner of her eye. He is laughing at her and talking with his friends in the *souk*. Bouthaina hurries through the marketplace, as if she were running through a maze. She cannot wait to escape.

Questions for Discussion

(Answering these questions should take 1.5 hours)

- Is the man violating Bouthaina's human rights? If so, which rights is he violating?
- What should Bouthaina do to deal with this man's harassment?
 - Should she flee the *souk*?
 - Should she confront the man?
 - Should she appeal to another shopper or merchant for help?

- Should she continue to shop at this market place? If so, should she go there alone? Should her husband or another male relative accompany her?

Which of these alternatives is most feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how to prevent or confront assaults against women in the public arena?

- In your view, why does the man persist in taunting Bouthaina?
- What is the emotional, psychological, and physical impact of his taunting on Bouthaina? Did her initial response to the man escalate his assault?
- Should women anticipate harassment in the public arena? Should they resign themselves to this plight? Can a woman's appearance and/or behavior provoke harassment? Should women alter their appearance or behavior to prevent harassment? If so, why? If not, why not?
- How should other women respond to Bouthaina's predicament? Can they help her in any way? If so, how? If not, why not?
- If you are/were a mother of a girl, what advice do/would you give her about avoiding men's verbal and physical assaults in public spaces?
- What aspects of culture, tradition, and/or the legal system condone this behavior? What aspects condemn it?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) As you consider Bouthaina's predicament, break into pairs.
- 2) Standing up, take turns indicating how close a stranger can come to you before you feel uncomfortable and cramped. If your partner approaches you, at what point do you want to step back? Repeat this two or three times.
- 3) Explain to each other how this unsolicited closeness made you feel. Did you feel annoyed, frightened, vulnerable, or what?
- 4) Consider how you responded to your partner's approach?
 - Did you step back? If so, why? If not, why not?
 - Did you step toward her in a confrontational mode? If so, why? If not, why not?
 - What was the difference in your response the first and second time your partner approached you?
 - Did you welcome her approach after two or three times?
 - What if your partner was a man?
- 5) Reconvene the group to share your responses to the exercise.

**DID YOU
KNOW THAT ...?**

In the United States, sexual harassment at the workplace is not classified as a crime but rather as a violation of one's civil rights. Thus, there are few national victimization surveys. Only 5% of victims ever report instances of sexual harassment, and even fewer make formal complaints. Not since 1980, when the US Congress commissioned a study of sexual harassment among federal workers by the Merit Systems Protection Board, has a definitive survey been conducted. In this random survey of 23,964 federal workers, 42% reported having experienced sexual harassment that ranged from unwelcome remarks, to deliberate touching, to attempted physical assault.

*Source: Koss, Mary P.; Goodman, Lisa A.; Brown, Angela; Fitzgerald, Lois F.; Keita, Gwendolyn Puryear; Russo, Nancy Felip. **No Safe Haven: Male Violence Against Women at Home, at Work, and in the Community.** Washington, DC: American Psychological Association, 1995 ed.: 123-24.*

Case Study 4: Identifying Sexual Harassment on the Job

Zarin's Story in Turkey—Keeping a Job, and One's Integrity

Zarin, a 23 year-old student of business and hotel management, works in the guest services division of one of Ankara's finest hotels. She loves her job and aspires to break into management within the next year. Zarin's manager, Mehmet Karaca, has noticed her dedication and diligence.

Two weeks before the hotel hosts an important conference, Karaca approaches Zarin to ask for her help: "Zarin, I need your assistance with the conference. More than 200 business people from all over the country will need rooms. I know that you can handle these arrangements. Will you assist me?" Zarin is surprised but grateful that her supervisor trusts her with this responsibility. "Are you sure that you want me to handle this, sir? I would be glad to help, of course. When and where shall I begin?" Karaca happily replies, "Wonderful. You may begin today. I hope you do not mind working overtime. We have only ten days to make these arrangements." Zarin declares, "Absolutely, sir. I will work as much as needed to make these reservations in a timely manner. I look forward to working with you." Karaca smiles, "As do I, Zarin."

One evening as Zarin is leaving the hotel, Karaca inquires, "You don't mind working such long hours? What about your family? They must wonder why you work so much." "No sir," Zarin responds, "My parents understand my responsibilities." Karaca continues, "How nice for you to have such understanding parents. And your fiancé? Is he so understanding? He must miss you. You work too hard." Somewhat embarrassed, Zarin avoids the last questions. Looking down at her watch, she mutters, "Mr. Karaca, I suppose I really should go. Good-bye, sir. I shall see you early tomorrow morning."

As the next week passes, Zarin works closely with her supervisor who exhibits an unusual curiosity about her personal life. Although Zarin either ignores his questions or replies curtly, he does not desist. One afternoon, Karaca remarks, "Zarin, I almost feel guilty making you work so hard. Your poor fiancé must be very jealous that I spend so much time with you. What man would not keep his eye on such a lovely woman." Feeling her face redden, Zarin excuses herself from her supervisor's office. She is offended at his comments but hopes that if she ignores them, he will grow tired of this fruitless exchange.

The morning before the conference begins, as Zarin is finalizing the conference preparations, Karaca calls her into his office. "Zarin, I want to thank you for all the hard work you have done. Your dedication is so impressive!" Zarin responds, "You're most welcome, sir. I was just doing my job." Rising from behind his desk and approaching her, Karaca suggests, "Zarin, I hope that we may work together on future projects for the hotel. You are my most valuable employee—so poised and pretty. I must say that working with you has been both pleasant and distracting." Trying to conceal her irritation, Zarin answers, "Sir, I'd better get back to work. I still have some last-minute details to finish." Karaca gently touches her arm, "No, Zarin, stay for just a moment. I would like to invite you to lunch this afternoon. We can celebrate our success as a team." Before Zarin can reply, he whispers, "Please join me for lunch."

We can talk about your future plans. I know you want to move from guest services into management, dear.”

Zarin looks at her supervisor incredulously. Confused, she tries to decline the invitation. At a loss for courtesies, she blurts out the word, “No!” Pushing his hand away, she shouts, “Mr. Karaca, what are you thinking? I...I...I....” Flirtatiously, Karaca retorts, “Zarin, my dear, you could not possibly expect that we could work together every day without me noticing you. You are a woman whom all men notice. I am no different than any other man. I have been thinking about you since I laid eyes on you. I thought you felt the same about me too. This should be our little secret!”

Zarin is shocked at her supervisor’s words. “Sir, I have worked very hard because you gave me additional responsibilities—not for any other reason! And surely not to have you or any other man leer at me! How could you possibly think...?” Karaca’s flirtatious tone fades, “Zarin, we shall be working closely together in the future. I hope that you understand what is required of you. I don’t tolerate disobedient employees. And I surely I do not promote them to management!”

Zarin cannot contain her anger or fear. Running out of his office, she slams the door behind her. As she leaves his office, she runs into one of the hotel bellmen who notices her distress.

Questions for Discussion

- Is Karaca violating Zarin’s human rights? If so, which rights is he violating?
- What should Zarin do to deal with Karaca’s behavior?
 - Can and should she avoid working alone with him in the future?
 - Should she tell the bellman about Karaca’s behavior? Should she report this behavior to anyone? If so, to whom?
 - Should she ask other female employees in the hotel if Karaca has behaved similarly towards any of them? If he has, what should they do about this? As a group, can the female employees do anything to hold Karaca accountable for his behavior?
 - Should she confront Karaca about his behavior once she has calmed down?
 - Should she quit her job at the hotel and seek employment elsewhere?
 - What are her legal options? Can she press charges against Karaca? If she can, should she press charges against him?

Which of these alternatives is most feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how to prevent or confront sexual harassment in the workplace?

- In your view, why does Karaca continually make inappropriate comments to Zarin? Why does he invite her to lunch? Why does he warn her against disobedience? Does he think his behavior is wrong?
- What is the emotional and psychological impact of Karaca’s behavior on Zarin?
- What role does their relative power status play in their interaction?

- Do men target only beautiful and/or young women for sexual harassment?
- Should women anticipate sexual harassment in the workplace? Does women's appearance and/or behavior provoke harassment? Should women alter their appearance and/or behavior to prevent harassment? If so, why? If not, why not?
- What aspects of culture, tradition, and/or the legal system condone sexual harassment in the workplace? What aspects condemn this behavior?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) As you consider Zarin's predicament, break into groups of three.
- 2) Within your trios, share your experiences with the problem of sexual harassment. As you relate your stories, make a list of those behaviors that constitute sexual harassment. Pick the three most serious forms of sexual harassment from your list.
- 3) Ask for one volunteer from each trio to recount her story to the larger group. After each volunteer recounts her story, give the group five to ten minutes to brainstorm for solutions to the particular incident of sexual harassment.
- 4) Imagine that all of you work in an environment where sexual harassment has recently been a problem. Your supervisor seeks the advice of your group about how to eliminate this problem. He wants to draft and distribute workplace rules. Consider what five to ten rules you would recommend to him and why.

DID YOU KNOW THAT ...?

Around the world, more children work in agriculture than in any other economic sector. In fact, children comprise an estimated 7 to 12% of the work force on plantations which produce commodities exclusively for export. In Africa, children's labor is vital to the production of coffee, cotton, fruits and vegetables, jasmine, rubber, sugar, tea, tobacco, and vanilla.

*Source: Bureau of International Labor Affairs, U.S. Department of Labor. **By the Sweat & Toil of Children, Volume II: The Use of Child Labor in U.S. Agricultural Imports & Forced and Bonded Labor.** Washington, DC: U.S. Department of Labor, 1995.*

Case Study 5: Liberating Child Laborers

Anjou's Story in Pakistan—Toiling Hands Too Small to Toil

Anjou is a bright and curious eight year-old, the last in a family of eight children in the Shamsa family. The Shamsas are raising their children—five girls and three boys—to be responsible and tough in the face of economic hardships. Mr. Shamsa, a brick layer, has been in and out of work, and his wife cleans house for some wealthy families on the other side of town.

As the other girls in her neighborhood walk to school in the mornings, Anjou secretly wonders what they do everyday. Anjou has never had the opportunity to attend school regularly because her parents have insisted that she and her sisters work to help make ends meet. Her three older brothers go to school, because the Shamsas want them to be able to earn a better living when they grow up and marry.

Anjou has worked at a carpet weaver's shop for a almost a year now. She wakes up at 5:30 a.m. to walk halfway through the town to reach Mr. Rahim's shop. With three other little girls, she works in a small room in the back of the shop, weaving carpets and tapestries on a dusty, old loom. She often works until past sunset and then walks all the way back home.

Rahim does a thriving business. To cut his own costs, he rarely allows the children to take a break for food or drink, even when they complain that they are

thirsty. Although Rahim praises Anjou's punctuality as well as the speed with which she works, the girl is afraid of the shop owner. She has seen him smack one of the boys who used to work for him. The little boy had made a mistake in his weaving.

One evening after work, Anjou walks home exhausted, her fingers blistered and sore. The longer she works at Rahim's shop, the thinner she grows. She is developing a dry cough as she ingests dust and fabric particles from the old loom. As she approaches her home, she imagines for a moment that she has just returned from the schoolhouse with books and papers bundled in her hands. She wants desperately to tell her parents that she envies the girls who go to school, that Mr. Rahim does not feed her, and that she is tired. Yet Anjou knows that her mother and older sisters also worked for carpet weavers as children.

When Anjou's parents ask her about work, she cannot hold back tears. "I only want to go to the schoolhouse. Mr. Rahim scares me. He hits those children who do not behave!" Anjou's parents try to console their little girl. Patting Anjou's head, Mrs. Shamsa laments, "I am so sorry, but you have to work. We all do. This family cannot live if you and the other girls don't work. Mr. Rahim is much better than so many other people for whom you could work." Anjou sobs, "But my brothers don't have to work. They go to school and walk with the other children. Why can't I?"

As her daughter cries, Mrs. Shamsa stares at her own calloused hands. "School is not for you, Anjou. This family needs your help. I wish you could understand."

Questions for Discussion

(Answering these questions should take 1.5 hours)

- Are Anjou's parents and/or Mr. Rahim violating her human rights? If so, which rights are they violating?
- What is the emotional, psychological, and physical impact on Anjou of working at Mr. Rahim's shop?
- What—if anything—can Anjou do to escape or protest her situation?
- Why do the Shamsas feel that Anjou and her sisters should not attend school while their brothers do? Is their decision a wise one? Why or why not? Do the Shamsas have other alternatives to make ends meet?
- What other alternatives are available to Mr. Rahim to keep his business thriving?
- Do you have any suggestions about how to eliminate the problem of forced child labor? Should parents, particularly mothers, pressure their government(s) to enact laws prohibiting child labor?
- What aspects of culture, economy, tradition, and/or the legal system condone child labor? What aspects condemn it?

Learning Exercises for Workshops

(Conducting this learning exercise should take 1.5–2 hours)

Exercise A

- 1) As you consider Anjou's plight, read Articles 31(1) and 32(1) of the Convention on the Rights of the Child (1989):

31(1) States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

32(1) State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

- 2) Ask yourselves: Does Anjou's work in Rahim's shop interfere with her education? Is her work harmful to her health or physical, mental, spiritual, moral or social development? Why?
- 3) Forge a group consensus on the definitions of the terms "recreation" and "exploitation." Ask yourselves: Why are these two activities opposed to each other?

Exercise B

- 1) As a group, identify at least three factors that are necessary for parents to ensure the happiness and good health of their children.
- 2) Then, ask yourselves: Are these factors consistent with child labor? Why or why not?
- 3) Now, forge a consensus on what advice you would give parents who think they must employ their girls in order to ensure the family's livelihood.
Ask yourselves:
 - What three reasons would you give these parents to enroll their girls in school rather than sending them off to work?
 - What incentives should be created for parents and for communities to educate girls?
 - What are the long-term economic and social benefits to families and to communities of educating girls?

Case Study 6: Preserving Bodily Integrity—Legislating Against Spousal Abuse

Noor's Story in Malaysia —Turning to the Law

Noor, a 21 year-old, married Fahd, who is ten years her senior, just six months ago. They live comfortably in Kuala Lumpur. However, none of their family members or friends know their secret—that when Fahd feels angry, he takes out his rage on Noor. He pushed her a couple times during their courtship, but he always apologized profusely. She thought that once they were married, his temper would cool and his behavior would change. Yet after a few weeks of calm, Fahd's anger unexpectedly resurfaced; he would strike Noor whenever he felt her attention stray to anyone else—a family member or a friend.

Fahd, a civil engineer, makes a decent living and claims to love his wife dearly. Noor wants to believe that her love can change Fahd. She cannot even think of the possibility of disappointing her parents who truly adore their son-in-law. Noor has never told anyone about Fahd's temper, choosing instead to conceal her bruises under clothing and make-up. When the bruises cannot be concealed, Noor simply withdraws from social life; an engaging and inquisitive young woman becomes a timid child who hides in the house until the bruises fade.

During a rare tender moment, Fahd apologizes for a recent beating and pleads for his wife's forgiveness. Caressing his cheek, Noor suggests that if his apology is "sincere," they should seek a solution to their problem. She gently and hesitantly explains, "I have read this newspaper article that describes couples like us, Fahd. The article talks about counseling services that may help us." As she nervously points to the article, Fahd's tenderness evaporates. Grabbing his wife's arms and shaking her, he screams: "I do not need to discuss our private life with a stranger! I need my wife to understand me, to support me, to love me!"

Noor tries in vain to reassure Fahd that she wants nothing more than to understand him, to support his every goal, and to have his child. But Fahd hears neither the reassurance nor desperation in his wife's voice. He pulls his arm back and flings it across her head, yelling "You do not love me! How can you question my sincerity?!" As Noor loses her balance and falls to the floor, Fahd kicks her repeatedly in the back and stomach. She curls herself up into a ball in order to thwart Fahd's kicks.

Exhausted and out of control, Fahd storms out of the house, hissing, "You are nobody!" She struggles to lift her body off the floor but cannot move without stumbling. She has a black eye, a swollen jaw, and bruises all over her back and groin. "How can I cover all these marks? He has gone too far this time." Noor's thoughts race through her throbbing head and then trail off as she falls asleep on the living room floor.

When she awakens, Fahd is nowhere to be found. She is alone to nurse her bruised body and wounded pride. As she worries about covering the bruises, she knows she must seek help. Noor considers calling her cousin Fatima, who is an attorney. As a child, she always looked up to Fatima. "Fati will understand," Noor says, convincing herself.

DID YOU KNOW THAT ...?

The most pervasive form of gender violence around the world is abuse by a husband or intimate partner. In 1995, for example, 54% of women surveyed in Costa Rica, 59% in Japan, 29% in the United States, and 25% in Canada, reported experiencing domestic abuse. Of these diverse societies, only Japan has not passed national legislation on domestic violence.

*Source: Fact Sheet on "Domestic Violence against Women," Health & Development Policy Project, Washington, DC, 1998; United Nations, **The World's Women 1995: Trends and Statistics**. New York, NY: United Nations, 1995.*

Hurriedly, she drives to Fatima's office. Even as she rubs her swollen jaw, she thinks about Fahd: "Is he feeling guilty? How will he respond to my decision to seek Fati's advice? Does he know that I still love him? Doesn't he love me anymore?"

Fatima listens patiently to Noor. "You will not tell Fahd that I am here, will you?" Fatima responds, "No, I will not say anything to anyone. But how long can you keep this secret? Let me help. I can talk to Fahd myself. I can recommend that he talk to a professional who handles these problems every day. You do have to do something because your safety is at stake. We can even turn to the legal system if you want." Noor hears her cousin's concern and compassion but feels anxious about Fahd's reaction to her choice of action. "Perhaps coming here—to you—was a mistake?" Noor sighs. Fatima objects, "No, no! Let me find a way to help you, Noor. Please."

Questions for Discussion

(Answering these questions should take 1.5 hours)

- In your view, why does Fahd hit Noor?
- What is the psychological damage that results from these marital confrontations? What is the emotional impact on Noor? What are the effects of Fahd's beatings on Noor's physical health?
- Having taken a first step by going to see Fatima, what should Noor do now?
 - Should she confide in a family member or close friend? Why or why not?
 - Should she persist in persuading Fahd of the merits of marital counseling?
 - Should she succumb to the temptation to fight back?
 - Should she leave Fahd and file for a divorce?
 - Should she press charges against her husband under Malaysia's Domestic Violence Act (see Appendix 3B)?

Which of these alternatives is most feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions for solutions to the problem of spousal abuse?

- Is Fahd violating Noor's human rights? If so, which rights is he violating?
- Have you ever been in Noor's position? Or do you know anyone else who has experienced spousal abuse? How did you/this person handle the situation?
- What aspects of culture, tradition, and/or the legal system condone spousal abuse? What aspects condemn this behavior?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) Ask yourselves: Are there legal prohibitions against domestic violence of any kind in your society? If so, which prohibitions are effective? If not, why not?

- 2) As you consider Noor's dilemma, forge a group consensus on the provisions of the ideal domestic violence act. Refer to the examples of national legislation featured in Appendices 3A–3E.
 - What purpose do you want your law to achieve?
 - How would your law identify violence?
 - Would your law characterize domestic abuse as a human rights violation? Why or why not?
 - What are the five most important points of your law?
 - How would your law protect victims and punish offenders?
- 3) Ask yourselves: Can legislation alone stop spousal abuse? What other measures are needed?
- 4) As you consider other measures needed to stop spousal abuse, read and discuss the relevance of Sura 4, al-Nissa' (The Women), Verse 1 from the Qur'an:

O humanity! Reverence your Guardian-Lord who created you from a single person, created of like nature, his mate, and from them twain scattered (like seeds) countless men and women;—Reverence God through Whom ye demand your mutual (rights), and (reverence) the wombs (that bare you); for God ever watches over you.

(All verses from the Qur'an are taken from: A. Yusuf Ali, translator. **The Holy Qur'an: Text, Translation, and Commentary**. Brentwood, Maryland: Amana Corp., 1983.)

Case Study 7: Eradicating Female Genital Mutilation Through the Generations (Optional)

Awali's and Anisa's Story in Sudan—From Mother to Daughter?

As the day of Awali's circumcision nears, Anisa knows that she must explain to her daughter what the midwife will do during the procedure. A curious seven year-old, Awali keeps asking questions of her mother. "I shall take you to the midwife's home. She has circumcised almost all the women in our family. You will feel just a little pain, but this will be well worthwhile. You will be a proud and beautiful young lady. And all your aunts will bring you gifts and sweets!" Awali smiles at the thought of all this attention just for her.

Looking into her daughter's eyes, Anisa feels twinges of guilt and sadness for the way she described the circumcision procedure—"just a little pain," "well worthwhile." Anisa turns the words over in her mind, knowing that she has lied. The memory of her own circumcision at the age of eight haunts her. The same midwife just outside of Khartoum had circumcised Anisa almost 20 years ago. Her mother and aunts had pinned down her legs so she could not move, yet she writhed in fear as she saw the razor. Tears fill Anisa's eyes as she recalls the burn

of the razor cuts. “How can I do this to my girl? My little Awali doesn’t know.” Anisa sighs.

Two nights before Awali is to be circumcised, a nightmare awakens Anisa. Her mind is filled with visions of a blood-stained cloth tying her daughter’s legs together until the wound heals. Rising from her bed to wash away a cold sweat, Anisa paces the floor. “I cannot do this to her. Why must I?”

On the eve of Awali’s circumcision, Anisa decides to confide her worries to her older sister, Azza. “During the last few days, I can’t even look at Awali because I know the pain she will endure. And I keep asking myself, ‘Why? Why must I do this to her?’ All that pain that we suffered. I don’t want this for my daughter.” Azza nods sympathetically, “Yes, the pain was awful, but we all had to do it. What other choice did we have? Awali will grow up to understand why circumcision is necessary. She is a good girl; she will understand.”

Anisa does not want to disrespect her sister, but in frustration, she challenges Azza: “Why must Awali understand?! I do not understand this myself. With all three childbirths, I had problems. Just because our mother believed in circumcision doesn’t mean I should. I have heard that some women in Khartoum have rejected circumcision for their girls, even over their elders’ objections.” Azza advises, “Anisa dearest, I too have heard about these women. Everybody is talking about these women and their daughters. At first glance, they may seem brave. Yet they are making a foolish mistake. Their daughters may be spared a small pain now, but who will marry these girls? These women are condemning their daughters to a greater pain—the pain of a lonely life! No man will believe that these girls are virgins. No man will ever trust them to be faithful. Do you want your Awali to be alone? Would you allow either of your two boys to marry girls who had not been circumcised?”

Listening to Azza, Anisa admits, “I don’t know how to answer these questions. I hope that I can accept whomever my sons marry. I just don’t know. Perhaps when Awali is of marrying age, men and women will think differently.” As she utters these words, Anisa’s sense of confusion and futility grows. “I wonder if Awali will find such a man. I wonder if any girl can find him here?”

Facts on File—What is Female Genital Mutilation?

- Two Broad Categories of FGM
 - Clitoridectomy—the removal of one or more parts of the external genitals; the partial or total removal of the clitoris and/or the inner lips of the vagina. Approximately 85 percent of all women who undergo FGM have clitoridectomies.
 - Infibulation—the removal of the clitoris and some or all of the labia minora combined with incisions in the labia majora to create raw surfaces that are stitched together forming a cover of scar tissue over the urethra and much of the vagina. Approximately 15 percent of women who undergo FGM have infibulations. However, in some societies—for example, Djibouti, Somalia, and Sudan—more than 80 percent of all FGM is infibulation.

- Physical Complications Resulting from Clitoridectomy
 - Pain, stress, and shock;
 - Urine retention;
 - Damage to the anus or urethra;
 - Hemorrhaging from the clitoral artery;
 - Infection due to the use of unsterile cutting instruments or due to contamination by urine or feces;
 - Intermittent bleeding, infections, and soreness;
 - Formation of small tumor on nerve endings scarred from stitching the clitoral artery.
- Physical Complications Resulting from Infibulation
 - All of the complications caused by clitoridectomy but with greater frequency and severity;
 - Recutting of the area before a woman's first intercourse if the opening is too small and always during childbirth;
 - Pain during intercourse;
 - Obstructed and irregular menstrual flow;
 - Formation of dermoid cysts caused by skin cells deeply embedded in the scar tissue after stitching, sometimes requiring removal by surgery;
 - Obstructed labor during childbirth that may threaten the lives of mother and child;
 - Aggravation of other ailments as women age.

Ostensibly, FGM may contribute to the spread of HIV and AIDS through the use of the same cutting instruments among girls, some of whom are HIV positive. However, currently, there are no reported cases of FGM causing the spread of the disease.

- Female genital mutilation also causes various emotional and psychological problems, ranging from a diminution of sexual desire to anxiety attacks, post-traumatic stress disorder, and depression. In many societies where FGM is practiced, there are few mental health professionals to address these problems which may then be ignored or dismissed.

In which societies is FGM most prevalent?

* Djibouti	98 percent
* Somalia	98 percent
* Ethiopia & Eritrea	90 percent
* Sierra Leone	90 percent
* Sudan (North)	89 percent

In various parts of Africa, FGM is practiced by Christians, Muslims, and even a small number of Jews—the Falasha of Ethiopia, most of whom have now immigrated to Israel.

Source: Toubia, Nahid. **Female Genital Mutilation: A Call for Global Action.** New York: Women, Ink, 1993; United Nations Economic and Social Council. **Preliminary Report Submitted by the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms. Radhika Coomaraswamy, in Accordance with the Commission on Human Rights Resolution 1994/45.** E/CN. 4/1995/42.: 56–7.

Questions for Discussion

(Answering these questions should take 1.5 hours)

- What was your initial reaction upon reading this case?
- What has been the emotional and psychological impact of circumcision on Anisa? Why does she fear for Awali? Why does Anisa think that she has lied to her daughter?
- What have been the effects of circumcision on Anisa's physical health? Why does she worry for Awali's health in the event of circumcision?
- Should Anisa defy custom and tradition to reject circumcision for Awali? Why or why not? What will be the advantages and disadvantages for Awali if Anisa decides not to circumcise her daughter? What will be the advantages and disadvantages for Awali if Anisa chooses to circumcise her daughter?
- Should Anisa discuss her fears about circumcising Awali with her husband? Why or why not? What role does/should men's assumptions and expectations play in the decision to circumcise girls?
- Had Anisa's and Azza's mother violated their human rights by having them circumcised some 20 years ago? If Anisa ultimately decides to have Awali circumcised, will she be violating her daughter's human rights?
- Is the circumcision of girls similar or equivalent to that of boys? Why or why not? Many people regard the circumcision of girls as female genital mutilation (FGM). Do you agree? Why or why not?
- What aspects of culture, tradition and/or the legal system condone the circumcision of girls —female genital mutilation? What aspects condemn this practice?
- Do either the Qur'an or the hadith of the Prophet Muhammad sanction female circumcision? Can you identify non-Muslim communities in which FGM is practiced? (Optional: The workshop facilitators may wish to use a world map during this discussion.)

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) As a group, consider the following questions: Does your community expect girls/women to undergo circumcision or any other form of bodily mutilation? If so, what is the community's justification for this practice?
- 2) As you consider the justifications offered for the mutilation of girls'/women's bodies, list at least three stories or ideas that mothers in your community pass on

- to daughters about their bodies and/or their future relationships with men. Ask yourselves: What do these stories have in common?
- 3) Then, list at least three stories or ideas that are passed on to boys about their bodies and/or their future relationships with women? Ask yourselves: What do these stories have in common?
 - 4) Your group has been charged with the responsibility of talking to a group of girls about their bodies and their future relationships with men. Ask yourselves: What would you tell these girls in order that they develop a positive feeling about their bodies and their sense of womanhood?
 - 5) Your group must also talk to a group of boys about their future relationships with women. Ask yourselves: What would you tell these boys in order to erase the prevailing double standard about male and female sexuality?

Case Study 8: Assisting Rape Survivors, Punishing Perpetrators

Katerina's Story in Kuwait—A Terrible Secret to Keep

Katerina is a 33 year-old widow from the Philippines who has left her children with her parents in Manila because she has found a fairly well-paying job as a domestic worker in Kuwait City. She works for Muhammad al-Hayati, a married, wealthy businessman who entertains guests frequently.

Katerina takes pride in her work and is happy that she can support her children, although she misses them terribly. Al-Hayati rewards Katerina's diligence, offering her greater responsibilities when he entertains guests and even allowing her to handle some simple secretarial tasks for his business. One evening, as Katerina is cleaning and preparing food for 50 guests, Al-Hayati asks if she would like to serve as hostess for the evening. Confused, Katerina responds that her duty is to serve the food and clean up after the guests—surely not to greet business people in the living room. Al-Hayati insists, claiming that she would be doing him a great favor, especially because his wife is visiting relatives in Europe. As he reveals a blue silk dress he has purchased for her to wear at the party, Katerina reluctantly agrees to his request. Grateful for her employer's trust, she hurries to put on the dress.

By all accounts, the party is a success as Katerina tends to the guests' every need. A few of al-Hayati's colleagues notice Katerina's sweet, smiling face and complement her dress. As the evening winds down, Katerina begins to tidy up, but her employer asks her to wait for a moment, insisting: "Have a drink. We can toast your new job—hostess." Katerina feels uncomfortable with his assumption of a familiar tone, replying, "In my family, we do not drink. It is *haram* [forbidden]." She busily picks up plates and glasses, while al-Hayati exclaims in surprise, "You are a Muslim girl?" "Yes," she says softly.

Nervously, she continues to clean but notices that her employer is following her around the living room and kitchen. At one point, she turns her head and asks, "Do you need anything else? Because it is late, and I want to finish cleaning before I sleep." Al-Hayati persists in his familiarity, distracting her from her chores. "Kati,

DID YOU KNOW THAT ...?

The status of rape laws around the world is mixed at best. For example, Australia, Mexico, New Zealand, and Uganda all have rape laws whereas Costa Rica, Japan, Nigeria, and Poland do not.

Rape is a less random crime than commonly thought. Victims of rape often know their attackers. Furthermore, rape is used systematically as a tool of civil and international warfare. During the 1990s, Bosnian Serb forces have perpetrated this crime against Muslim women in Bosnia-Herzegovina; Indian security forces have used rape against Kashmiri women who must also fear attacks by Kashmiri militants; and Haitian men have assaulted women they identify as affiliated with members of rival political groups.

*Source: Human Rights Watch Women's Rights Project. **The Human Rights Watch Global Report on Women's Human Rights.** New York, Washington, Los Angeles, London, Brussels: Human Rights Watch, 1995:*

please stop working so hard. I am already impressed by your dedication—and the way you wear that dress! I knew you would look ravishing. What I really need is your company. It seems my wife is always travelling, and I am alone.”

Katerina tries to remain cool: “You should want nothing from me but a clean home and well-prepared meals. Your wife shall return soon, I am sure. I...I cannot....” As she stutters for words, her employer becomes more determined and less flirtatious. He touches the hair laying on her shoulder and suddenly pulls it, yanking her toward him. “Katerina, I am not asking you, I am telling you that I want your company this evening. All the men were staring at you.” She fumbles for a response: “Sir, I did not see anyone staring.”

Katerina’s voice trails off when her employer begins to squeeze her tightly. “Please let go of my arm,” she pleads. However, from that moment on, Katerina realizes that al-Hayati will not let go. As she begs to be released, he covers her neck with insistent kisses. “Do not resist me,” he warns, “You can also enjoy me.” Before she can object, he pulls up the silk dress and pushes his torso against hers. Gasping for air, she cries “No, no, you are hurting me! Why are you doing this to me?”

As Katerina struggles, she is pinned to the floor and feels her employer crushing her hips. She finally frees her arm and slaps him. Al-Hayati is unmoved. “Kati, we both know you are lonely and that you enjoyed my attention. The slap—next time, I will strike back.” She screams, scratching and kicking, trying in vain to escape. Al-Hayati threatens, “That is enough! No noise from you!” Yet she resists him until he pulls at her hair, thrashing her head against the floor.

Minutes pass slowly and painfully. When al-Hayati walks into his bedroom and slams the door, Katerina stumbles to stand up. Still sobbing, she sees that her arms and legs are bruised. Her insides burn. She is overcome with nausea. She manages to wander into the kitchen to wash herself. As she splashes tepid water on her face, her mind races: “What was he thinking? I should have never worn this dress...He has ripped it. I feel sick. What will my parents say? I can never tell anyone. What if my children find out? Nobody will believe me.” “God help me.” she whispers as tears sting her cheeks and stream into her mouth.

Questions for Discussion

(Answering these question should take 1.5 hours)

- Are al-Hayati’s actions criminal?
- Was there anything Katerina could have done to avoid al-Hayati’s attack?
- How does Katerina’s and al-Hayati’s relative power and status contribute to this event?
- How should Katerina respond to al-Hayati’s behavior?
 - Should she remain silent because nobody will believe her?
 - Should she leave al-Hayati’s employment?
 - Should she confront al-Hayati about his behavior?
 - Should she speak to al-Hayati’s wife about how her husband behaved during her absence?

- Should she enlist the support of family and friends in the Philippines and in Kuwait? How could they help her?
- Should she report the rape to the police and the local hospital?
- Should she seek assistance from the embassy of the Philippines in Kuwait City?

Which of these alternatives is most feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how to prevent, resist, and/or report the rape?

- In your view, why does al-Hayati force himself on Katerina, despite her protestations? Does he believe that he is harming her?
- What is the emotional, psychological, and physical damage that results from al-Hayati's attack against Katerina?
- How do you define rape? Is rape a sexual act? Is it a violent act?
- Does the marital status of either the perpetrator or the survivor matter when defining rape? Why or why not?
- What role should the perpetrator's perception of his own behavior play in defining rape?
- What aspects of culture, tradition, and the legal system condone the act of rape? What aspects condemn this act?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) Select three pairs—A, B, and C—from among the group to act out the following scenarios.
- 2) Pair A: Pretend that one of you is Katerina and the other of you her best friend. Katerina has come to confide in her best friend who must comfort her and encourage her to talk. Consider the issue of blame. What should the friend say to Katerina?
- 3) Pair B: Pretend that one of you is Katerina and the other of you a lawyer. Katerina is seeking legal advice. What legal options does she have?
- 4) Pair C: Pretend that one of you is Katerina and the other of you a counselor/nurse/social worker. Katerina insists that she will never get over the experience of al-Hayati's attack. Discuss what options in addition to the legal system Katerina has to address her situation. What can she do to heal emotionally and physically?

DID YOU
KNOW THAT ...?

"Sex tourism" is a key factor that drives the market for prostitution and trafficking of women and girls. The principal sources of clientele for this tourism are the United States, Canada, Western Europe, Saudi Arabia, Kuwait, China, and Australia. The main destinations for this tourism are Brazil, Kenya, Morocco, Hungary, Russia, India, Thailand, Malaysia, Indonesia, Singapore, and Cambodia.

Sources: Sachs, Aaron. "The Last Commodity: Child Prostitution in the Developing World," *World Watch*. Vol. 7, No. 4 (July/August 1994): 24-30. Seager, Joni. *The State of Women in the World Atlas*. London: Penguin Books, 1997: 54-5.

Case Study 9: Prostitution—Banning the Sale of Women

Dhalia's Story in Indonesia—Selling the Body and Soul

Dhalia, a statuesque and soft-spoken year-old, is world-weary beyond her years. A year ago, she lost her family to floods that washed away their small village home. The sole survivor, she walked for days with her few possessions until she reached Jakarta. As Dhalia wandered through downtown Jakarta, she noticed a man trying to catch her attention. This man, Mr. Malek Rahman, seemed like a benevolent stranger, offering her food and shelter. Hungry, homeless, and exhausted, Dhalia did not understand that she would have to surrender her body and her freedom to Rahman for some rice and a cot.

During the last year, Dhalia has worked for Rahman who sells women's services to foreign businessmen travelling through Jakarta and other cities. She has been with countless men—many of whom refuse to use protection, others who beat her, and still others who complain to Rahman about fees. Yet Dhalia knows that for now she lives somewhat better than the few other girls who have rooms down the hall, two of whom have become pregnant and one who is dying of AIDS. And Rahman feeds her a bit more than these women whom he considers a burden on his business.

Dhalia tries to block out of her mind any thoughts of these women's problems. She has learned to be with men without talking to them, without thinking about how she must earn her keep. Sometimes she feels nauseous after the men leave her room. Even when Dhalia falls ill, Rahman sends her to other nearby cities to meet his customers. Her body is constantly tired and covered with bruises and cuts that never have the chance to heal.

Lately, Rahman complains that Dhalia shows no interest in the men who visit her and that he is losing their business. "You never talk to these guys. These businessmen do not come to my place for my girls to ignore them! You must flirt with them and flatter them! What is wrong with you? This isn't the only damn brothel in Jakarta, and I don't want to lose paying customers" Dhalia does not respond. Rahman persists, "I am speaking to you! You don't talk to these guys, you don't talk to me! Don't you understand what I've done for you? I have given you clothing, food, and shelter! Is this how you thank me?"

As tears of anger fill Dhalia's eyes, she stares at Rahman. Seeking in vain to compose herself, she takes a deep breath. Suddenly, Dhalia replies sarcastically, "Thank you! Thank you for those few grains of rice! Thank you for introducing me to all these fine men! What more could any girl want?! Thank you for using me to line your own pockets!" As Dhalia raises her voice, she realizes that she has gone too far. Hearing her words, Rahman slaps Dhalia: "You are an idiot to speak to me this way! You will be so sorry. I will smack that pretty little face so hard, you will not recognize it in a mirror! You don't like the rice, go hungry! You don't want to talk to me or these men who pay to visit you, walk the streets! I don't care what happens to you! You are nothing to me! I could find another girl just like you who would be grateful for this food and shelter!"

Dhalia's cheek stings from Rahman's slap. "You make me sick. That's why I never speak to you!" Dhalia thinks to herself but does not allow these angry words to

tumble out of her mouth, fearing that Rahman will unleash his fury as he has so many times. His words ring in her ears. Her mind racing, Dhalia cannot fathom how to escape this situation. “I have no place to go if he throws me out,” she thinks to herself, “and I am completely alone. Who would give a peasant girl work?” Approaching Dhalia, Rahman warns, “Don’t make me sorry that I found you or....” Dhalia interrupts, “No sir, you won’t be sorry. I am just very tired today, and I miss my family. But tomorrow will be better. You won’t be sorry.” As her voice trails off, Rahman seems reassured for now. Dhalia sighs, resigned in complete defeat.

Questions for Discussion

(Answering these questions should take 1.5 hours)

- What is the emotional, psychological, and physical impact on Dhalia of selling her body for Rahman’s brothel? In what ways is she endangering herself?
- What—if anything—can Dhalia do to escape or protest her situation?
 - Can Dhalia seek shelter and employment elsewhere?
 - Should she talk to the other women who work for Rahman? As a group, can these women do anything to improve their conditions? Can they leave Rahman’s employment?
 - Should she and the other women go to the police to report Rahman?
 - What—if any—legal options do she and the other women have? Can she/they press charges against Rahman? If so, on what grounds? For keeping the women in deplorable conditions? For engaging in the sale of women as prostitutes? If she/they can press charges against Rahman, should she/they?

Which of these alternatives is most feasible in your view? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how to deal with the problem of prostitution?

- Are Rahman and/or his customers violating Dhalia’s basic human rights? If so, which rights are they violating?
- How do you define prostitution? Is prostitution a sexual act? Is it a form of labor? Is it a form of slavery?
- What conditions make women and girls vulnerable to prostitution and trafficking? For example, how does armed conflict increase the vulnerability of women and girls?
- Are there any circumstances in which a woman may consent to work as a prostitute? If so, what impact does a woman’s consent have on the degrading nature of this work?
- Is prostitution a common problem in your community? Are there laws prohibiting prostitution in your society?
- What aspects of culture, economy, tradition, and/or the legal system support prostitution? What aspects condemn it?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) Imagine that your group has been charged with the task of counseling Dhalia and the women living down the hall from her. You must first decide whether or not you will tell these women to leave Rahman's employment.
- 2) In advising Dhalia and the others, suggest at least three reasons why these women should leave Rahman's employment.
- 3) Then, propose at least three concrete actions that these women may take to escape Rahman's brothel.
- 4) Next, consider at least three obstacles that Dhalia and these women may confront when leaving Rahman's employment.
- 5) Finally, list at least three resources that Dhalia and the other women must mobilize in order to improve their life conditions.

DID YOU KNOW THAT ...?

Despite a ban by the government, child marriage still occurs in India. The practice is reportedly most common in the province of Rajasthan. Group ceremonies are held in which as many as 15 girls from a joint family household are given in marriage.

*Source: Badhwar, Inderjit and Rai, Raghu. "The Wedding of the Dolls." **India Today** (June 15, 1986): 34–43.*

Case Study 10: The Child Bride—Allowing Her to Be a Child

Shirin's Story in Iran—Not Yet a Woman, No Longer a Child?

Shirin, a precocious and inquisitive child, has just turned thirteen. She is the youngest of six children in the Koleini family. As her parents grow older and more frail, they worry about who shall care for her after they are gone. They want desperately to ensure a secure future for her through marriage.

The Koleinis' long-time neighbor, Akbar Kiani, a 30 year-old carpenter, has watched Shirin play with her brothers and sisters since she could barely walk. More recently, he has noticed that Shirin is growing taller, has light brown eyes with flecks of green, and thick curly dark brown hair. Not only is Shirin a pretty girl, but she is also polite and respectful of others. Kiani is looking for a suitable wife who can give him a large family and knows of the Koleinis' concern for Shirin's future. He approaches Shirin's father who is pleased at the interest that Kiani takes in the little girl.

After some negotiating about Shirin's *mahr* (bride price), Mr. Koleini pledges his daughter to Kiani. When Ali Koleini tells his wife, Khadija, this news, she is relieved and happy. Kiani is respected by the towns-people and makes an honest living. Khadija is anxious to let Shirin know that within a few weeks, she shall marry Kiani.

When Khadija tells her daughter that she will soon live with Akbar Kiani who will care for her, Shirin is perplexed. "I don't want to leave my home! Why don't you and Baba want me anymore?" Shirin implores. Khadija tries to make her daughter understand why she must marry Kiani, declaring, "You will enjoy being the lady of the house. You will see." When Shirin continues to protest, Khadija snaps, "That is enough from you. You must do as you are told. Your parents always know what is best for you!"

Finally, the day of Shirin's wedding arrives. The ceremony at the Koleinis' home is brief as a cleric explains the duties of husband and wife. Shirin watches in bewilderment while her father and new husband sign some papers.

After the wedding celebration, Shirin's parents and extended family walk with her to Kiani's home. During the short walk, Kiani takes his wife's hand, feeling for the first time how little her fingers are. Shirin's palms are sweaty, and her tiny body is stiff with fear. She has the urge to run, but there is nowhere for her to go.

Soon, she finds herself alone in a room with Akbar. He reassures her, "You will live well and give me a large, happy family." Tears rolling down her cheeks, Shirin does not respond. Her husband whispers lustfully, "You shall be mine." His voice deepens, but Shirin does not understand what Akbar means. Her mother has never explained the relationship between a husband and wife.

As if her husband has sensed Shirin's urge to escape, he tightens his grip on the little girl's hand. She does not fully grasp the meaning of what just happened but knows that she is trapped.

Questions for Discussion

(Answering these questions should take 1.5 hours)

- Why do the Kolehins seek to marry Shirin to Kiani? What is the emotional, psychological, and physical impact on Shirin of her wedding to Kiani?
- What can Shirin do to escape or protest her situation?
 - Can Shirin flee? If so, where can she go?
 - Can Shirin ask her parents to reconsider their decision to marry her to Kiani?
 - Can she do anything to make her parents understand her fears?
- What other alternatives are available to Shirin's parents to ensure a secure future for her?
- Are the Kolehins and/or Akbar Kiani violating Shirin's human rights? If so, which rights are they violating?
- Do you have any suggestions about how to eliminate the problem of child marriage?
 - Should mothers protect their daughters from child marriage? How can they do this?
 - Should parents educate boys and men about the advantages of marrying women rather than girls?
 - Should women pressure their government to raise the legal age for marriage?
- What is the legal age of marriage in your society? Do you think that this is just? If not, what do you consider an acceptable age for women and men to marry?
- What aspects of culture, tradition, and/or the legal system condone child marriage? What aspects condemn it?

Learning Exercises for Workshops

(Conducting these exercises should take 1.5–2 hours)

Exercise A

- 1) As you consider Shirin's plight, read Article 1 of the Convention on the Rights of the Child (1989) as well as Articles 16(1)–(2) of the Universal Declaration of Human Rights (1948):
 - *The Convention on the Rights of the Child*
1. For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.
 - *The Universal Declaration of Human Rights*
16(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

16(2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- 2) Evaluate the relevance of these articles from international human rights documents to Shirin's marriage. Ask yourselves:
 - Which person—Shirin or Akbar Kiani—is of “full age?”
 - Is a person less than 18 years old able to give her/his free and full consent to marriage? If so, how? If not, why not?
 - Why is free and full consent, or choice, important when entering into marriage?
 - What are the emotional, psychological, and physical dangers facing child brides?

Exercise B

- 1) As you consider Shirin's dilemma, break into pairs.
- 2) With your partner, ask each other the following questions:
 - Are you married, single, divorced, or widowed?
 - If you are/were married, at what age did you marry? If you are single, at what age do you wish to marry? Why did/do you wish to marry at this age?
 - Did you/do you wish to have a choice about when and whom to marry? Why or why not?
 - What qualities do/would you value in your husband?
 - What makes a marriage successful? What benefits do women and men receive from marriage?
- 3) Consider how your responses to these questions were different and/or similar.
- 4) Reconvene the group. Each pair should share their thoughts about how they answered the above questions.

- 5) After listening to each pair, as a group, define in two or three sentences the concept of “marriage.” Based on your group’s definition, consider the ideal age for a woman to marry. If you had/have a daughter, at what age would you like her to marry?

Case Study I I: Dishonoring “Honor” Killing—Vindicating Women’s Honor

Leila’s Story in Jordan—Family Honor at What Price?

As Leila walks home, she smiles shyly to herself at the thought of Hakim reaching out to touch her hand. They had hidden behind an abandoned house, a stone’s throw from their village. Leila, now 16 years old, has known Hakim since childhood. As teenagers, their feelings for each other have changed and deepened. Yet Leila’s father, Abdallah al-Sharif, does not care much for Hakim, prohibiting his daughter to socialize with their neighbor in the absence of adults. In fact, al-Sharif has met the clan’s leader, Muhammad al-Bashari, to discuss Leila’s betrothal to his son, Munthar.

Leila knows of her father’s plan that she marry Munthar, but her feelings for Hakim continue to grow. What she does not realize, however, is that her elder brother, Majid, has discovered her meetings with Hakim.

Upon her return home, Leila finds Majid and her parents waiting impatiently at the door. Avoiding their eyes, she walks in to a barrage of questions. “Where were you all afternoon?” Majid asks. “Walking,” she replies. “All by yourself? What will the neighbors say about a girl who just wanders the hours away?” Majid speculates. Leila says nothing, as her father stares at her, “You were walking by yourself; that is what you say. Why do you lie to your mother and me?” Stuttering, Leila responds, “I said I was walking. That is all.” Majid grabs her arm, insisting, “So you admit that you were not alone? Who was with you? And don’t dishonor this family by making up stories! Munthar al-Bashari shall not marry a liar...a loose woman!” Angry and frightened, Leila shouts defiantly, “Release my arms! I have never meant to dishonor anyone! Nor did Ha....” As the words tumble out of her mouth, Leila realizes she has said too much. She catches her mother’s eyes. Her mother shakes her head in disbelief and worry.

Leila struggles to free herself from her brother’s tightening grip when Majid seethes, “I should cut out your heart—this heart you have given to Hakim. I must cleanse this family of your disgrace!” Ignoring Majid’s words, Leila breaks free. Yet before she can escape Majid’s wrath, he grabs her again with one hand, revealing a small but sharp blade in the other hand. Time seems to stop as he suddenly thrusts the blade into her groin, hissing “You will dishonor this family no more!”

Bleeding profusely, Leila collapses to the ground. Her mother rushes to her side. Weeping, she mourns, “Why, Leila? Why did you do this? You were a good girl...” Her sobs carry to the neighbors’ homes. As the villagers stream into Abdallah al-Sharif’s house, Hakim makes his way through the small crowd to find Leila dying and Majid beside her holding a bloody blade.

DID YOU KNOW THAT ...?

Almost no statistical information is gathered about the crime of “honor” killing, although it is reportedly increasing in certain Latin American and Middle Eastern societies. In Brazil during 1990-95, courts — through the jury system—have accepted the “honor” defense by men who have killed their allegedly adulterous wives, despite vigorous protests by women’s groups.

Source: Human Rights Watch Women’s Rights Project, The Human Rights Watch Global Report on Women’s Human Rights. New York: Washington, Los Angeles, London, Brussels: Human Rights Watch, 1995.

Questions for Discussion

(Answering these questions should take 1.5 hours)

- Why did Majid kill his sister? Why did Leila's parents allow Majid to kill Leila?
- As Leila lies on the floor covered in blood, what should her mother and/or the neighbors do?
 - Should she/they find medical care for Leila?
 - Should she/they simply resign herself/themselves to Leila's impending death?
 - Should she/they report Majid's crime to the police or other authorities?
- Does Leila's behavior warrant this punishment?
- What is the emotional and psychological impact of Majid's crime on Leila's family?
- How do the members of Leila's family define "honor?" How do you define "honor?"
- Does a man's honor depend on a woman's behavior?
- What aspects of culture, tradition, and/or the legal system condone the crime of honor killing? What aspects condemn this crime?

Learning Exercise for Workshops

(Conducting this learning exercise should take 1–1.5 hours)

- 1) Select six participants from your workshop—three to reenact the confrontation that results in a case of honor killing, and three to demonstrate the response of various parties to this crime.
- 2) Among the first trio, one person shall play the role of the victim who has supposedly dishonored her family; another will be the perpetrator who seeks to vindicate the family's honor; and the third shall be a family member and witness to the crime. Reenact the crime.
- 3) Now, among the second trio, pretend that one of you is an officer of the law who has learned of this crime. How should this officer respond to the crime? What questions should he/she ask the witness? How should he/she punish the killer?
- 4) Imagine that another of you in that second trio is a radio journalist recounting a news story about honor killing. How should the reporter tell this story? Should he/she begin this story by describing instances of honor killing? Should he/she explore remedies for this problem—such as protective custody for potential victims and severe punishment for the perpetrators? From whose perspective should the journalist examine this crime—the victim's, the perpetrator's, the family's, and/or the society's?
- 5) Finally, pretend that the third person in the second trio is a community leader who must give a speech in a village that has recently witnessed a rash of honor killings. How should this community leader address this development? What should he/she say to the families of victims and perpetrators?

Case Study 12: Confronting a Crisis— State-Sanctioned Gender Apartheid in Afghanistan (Optional)

Afghan Women's Last Stance

During the last 20 years, Afghan women have survived foreign occupation and resistance, civil strife, and, most recently, the Taliban's rule. Since seizing control over much of Afghanistan during 1996–97, the Taliban have launched an unprecedented campaign of gender apartheid—banning girls and women from schools, medical facilities, and all other public spaces. Militant Islamists engaged in guerrilla warfare, the Taliban claim that their faith requires the strictest segregation of women and men. Because the presence of women in public spaces leads men to think and act upon impure thoughts, the Taliban argue that gender segregation is necessary to preserve the moral order. The current situation in Afghanistan raises at least two questions: How much longer can Afghan women endure? And how will the international community respond to their suffering?

These questions are not rhetorical. Two decades of international and civil war have robbed wives of their husbands, and now the Taliban have stolen from these widows any possibility of earning a living outside the home. The Taliban's violations of women's human rights have convulsed the rest of Afghan society down to its roots. Denied access to public facilities, women are unable to fulfill their roles as care-givers to children, the elderly, and the disabled. With women confined to their homes, families are less able to make ends meet. As economic conditions worsen, men have taken their frustrations out on women—domestic violence has increased. In the effort to stave off starvation, families have even resorted to prostituting their children, some as young as eight years old.

International aid workers report hearing that some women have committed suicide because they can no longer endure the Taliban's policies of gender apartheid. In the worst cases, women have ingested caustic soda, an ingredient that is used to clean metal pipes. Because suicide violates cultural taboos, there are no statistics yet on how many women have chosen death rather than life under the Taliban's rule. Typically, families try to record these deaths as “accidental.”

The Taliban's campaign of gender apartheid has reverberated beyond Afghanistan's borders, as waves of refugees—75 percent of whom are women and children—flee to neighboring Iran and Pakistan. Afghanistan's Muslim neighbors have condemned the Taliban's policies of gender apartheid, but to no avail. The Taliban persist in ignoring those aspects of the faith which celebrate women's contributions to society and politics.

No longer viewed by Russia or the United States as a geo-strategic asset but rather as a problem defying solution, Afghanistan has faded from the great powers' political consciousness during the post-Cold War era. As the possibility of great-power hostilities recedes, the international community confronts a new kind of threat in Afghanistan and elsewhere around the world—the violation of basic human rights by power-holders and combatants insisting that they are executing God's will. This threat endangers those least able to speak out and defend themselves—women, children, the

elderly, and the handicapped. While the international community witnesses and responds to Afghanistan's agony, women there are taking their last stance against the Taliban, dying slow, silent, and seemingly anonymous deaths.

*Note: We are indebted to Sima Wali of Refugee Women in Development (RefWid) for her insights about women in Afghanistan. Other sources: Amnesty International, **Women in Afghanistan: A Human Rights Catastrophe**. London: Amnesty International, 1995; "A Dream Deferred," **Christian Science Monitor**, (May 22, 1998)—excerpted from a speech by Andrea Mitchell (chief foreign affairs correspondent for NBC news) at Agnes Scott College, Decatur, GA, USA; and Julian West, "Taliban's Laws Drives Women to Suicide," **International News Electronic Telegraph**, Issue 1087, (17 May 1998).*

Questions for Discussion

(Answering these questions should take 1.5 hours)

- What do you think is the emotional, psychological, and physical impact of the Taliban's policies on women? On the rest of Afghan society?
- What alternatives are available to Afghan women to combat the Taliban's policies of gender apartheid?
 - Should they simply flee Afghanistan?
 - Should they establish separate facilities—for example, hospitals and schools—for women and girls?
 - Should they initiate a campaign of resistance to the Taliban's policies? How can they do this?
 - Should they enlist the help of sympathetic Afghan men?
 - Should they appeal for the assistance of international human rights and women's organizations?
 - Should they appeal for assistance to the great powers as well as to other states?

In fact, Afghan women continue trying all these alternatives. Which of them seems most feasible to you? What are the relative advantages and disadvantages of these alternatives? Do you have other suggestions about how Afghan women can combat the Taliban's campaign of gender apartheid?

- Which of women's human rights has the Taliban violated? Has the Taliban violated the human rights of women only?
- How would you and other women in your society respond to such policies as the Taliban's? What resources would you have to mobilize to combat such policies? What obstacles might you face?
- Do you think that international public opinion can become sensitized to human rights violations by the Taliban (and other such groups) around the world during the post-Cold War era? Why or why not? How can international public opinion be mobilized?

- What aspects of culture, tradition, the legal system, and/or international politics support the Taliban's policies of gender apartheid? What aspects discourage these policies? Can any of these factors be changed?

Learning Exercises for Workshops

(Conducting these learning exercise should take 1.5–2 hours)

Exercise A

- 1) As you consider the plight of Afghan women, read and discuss the relevance of Sura 30, al-Rum (The Roman Empire), Verses 20-21 from the Qur'an:

Among His Signs is this, that He created you from dust; and then, behold, ye are men scattered (far and wide)!

And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.

- 2) As you assess the relevance of these verses to the plight of Afghan women, ask yourselves the following questions:
 - What kind of relationship did the Creator envisage between women and men? How should this relationship manifest itself in everyday life in Afghanistan?
 - If women interpreted these and other verses from the Qur'an, would they emphasize different issues than those that men have stressed? If you were a religious expert in your community, what aspects of Islam would you emphasize? Why?

Exercise B

- 1) Imagine that your group is living under the Taliban's rule. Ask yourselves: In what ways would their policies of gender apartheid affect your lives?
- 2) Forge a consensus on the three most difficult obstacles you might encounter under the Taliban's rule. Ask yourselves: Was your group able to forge a consensus easily? Why or why not?

Exercise C

- 1) Imagine that your group could send messages or write postcards to the women of Afghanistan. Ask yourselves: What would you say or write to Afghan women? Why?
- 2) Have the members of your group say and read aloud their messages to Afghan women.
- 3) Hang the postcards up for display on one wall of your facility.

Case Study 13: Confronting a Crisis—Women in the Midst of Algeria's Armed Conflict (Optional)

Algerian Women, Caught in the Middle or Intentional Targets?

Since the early 1990s, secularists and Islamists in Algeria have blamed each other for the ongoing civil war. As the finger-pointing continues, one sad but important truth is lost: Algeria's women have borne the brunt of these hostilities and have been the targets of Islamist violence since at least the 1980s.

The Islamists' campaign to win power dates back to the 1970s, reaching a crescendo during the 1980s as they began to harass and beat women in public places for what they labelled improper dress and conduct. Although worried about the growing strength of the Islamic Salvation Front (FIS), the ruling National Liberation Front (FLN) did little to stop this violence because the victims were women and girls.

Yet the secularist FLN underestimated FIS's organizational skills and appeal among some Algerians. When FIS trounced the FLN in the first round of parliamentary elections in December 1991, the government was stunned. The second round of elections never took place because the FLN locked up FIS leaders and activists, declaring a state of emergency.

As FIS and the Armed Islamic Groups (GIA) fight with secularists for hegemony over the state, women and children are not merely the unintended civilian casualties of war. FIS and GIA have perpetrated violence against women and girls in a systematic fashion. Some extremist Islamists have engaged in symbolic mutilations of women, reportedly cutting off their breasts and removing fetuses from wombs. The Islamists have also insisted that according to a *fatwa* (religious decree), their fighters may choose any women they desire as "temporary wives" for "pleasure marriages." Having won some municipal elections in 1991, FIS has imposed compulsory veiling, segregated public transportation, and banned co-education in those areas it controls. Statements by FIS and GIA leave little doubt that they intend to use the principle of "one man, one vote" *only one time* to implement a policy of gender apartheid.

As the fighting continues, secularists and especially Islamists are taking women and girls as the spoils of war. In a crime of genocide, fighters have raped thousands of women and girls, kidnapping them from their homes or on their way to school. Some are held for months as sexual slaves to be killed or released once pregnant. If these women are fortunate enough to be rescued, they suffer severe psychological traumas, aggravated by the social stigma of losing their virginity before marriage. Due to the ban on abortion, women are abandoning babies born of such rapes. These babies, the latest victims in Algeria's civil strife, will grow up orphaned and branded as illegitimate—if they survive the fighting.

Algeria's women and girls are not just civilians caught in the middle of a struggle for democracy gone awry, but rather intentional targets of battle with nowhere to run and few places to hide. Demoralized but not defeated, they have sought to organize even amidst the chaos of civil war, with the aims of resolving the conflict and democratizing Algeria. For the women of Algeria, conflict resolution and democracy are not just abstract ideals but a matter of their very survival.

Note: We are indebted to Anissa Helie of the Center for Women's Global Leadership and Women Living Under Muslim Laws for her insights on women in Algeria's civil war. Other

sources: Karima Bennoune, "S.O.S. Algeria: Women's Human Rights Under Siege," in Mahnaz Afkhami, ed., **Faith & Freedom: Women's Human Rights in the Muslim World**. Syracuse, NY: Syracuse University Press, 1995; Selim Ghazi, "Terrorisme: ces femmes qu'on assassine," **El Watan**, (8 mars 1994), and Zazi Sadou, "Les ravages de l'intégrisme: le martyre des femmes voilées," **El Watan**, (24 janvier 1995).

Questions for Discussion

(Answering these questions should take 1.5 hours)

- Which of women's human rights have the combatants in Algeria's civil war violated? How have the combatants violated these rights?
- What is the emotional, psychological, and physical impact of Algeria's civil strife on women and girls?
- What alternatives are available to Algerian women to vindicate their human rights amidst the chaos of civil war?
 - Should they simply flee Algeria?
 - Should they begin to establish separate facilities—for example, hospitals and schools—for women and girls in anticipation of an ultimate victory by FIS and the GIA?
 - Should they enlist the help of sympathetic Algerian men?
 - Should they appeal for the assistance of international human rights and women's organizations?
 - Should they appeal for assistance to other states?
 - Should they seek an active role in mediating the dispute between secularists and Islamists?
 - Should they appeal to the United Nations for assistance in mediating this dispute and addressing their plight?

In fact, Algerian women are trying all these alternatives against all odds. Which of these alternatives seems most feasible to you? What are the relative advantages and disadvantages of these alternatives? What dangers do Algerian women confront in trying these alternatives? Do you have other suggestions about how Algerian women can vindicate their human rights?

- How would you and other women in your society respond to a situation of civil strife? What resources would you have to mobilize to survive in this situation? What obstacles might you face?
- Do you think that international public opinion can become sensitized to human rights violations by the combatants in Algeria's civil war during this post-Cold War era? Why or why not? How can international public opinion be mobilized?
- What aspects of culture, tradition, the legal system, and/or international politics encourage human rights violations against women and girls in Algeria's civil war? What aspects discourage these violations?
- Is the plight of Algeria's women and girls unique? Do you know other instances of civil strife in which women and girls became the targets of battle?

Learning Exercises for Workshops

(Conducting these learning exercise should take 1.5–2 hours)

Exercise A

- 1) As you consider the plight of Algerian women, read and discuss the relevance of Sura 49, al-Hujarat (The Inner Apartments), Verse 13:

O humanity! 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).

- 2) As you assess the relevance of this verse to the plight of Algerian women, ask yourselves the following questions:
 - What kind of relationship did the Creator envisage between women and men? Between individuals of different beliefs, faiths, nationalities, and/or races?
 - If more women had decision-making roles within society, would they emphasize different issues than those that men have stressed? For example, would women be more or less inclined to resort to military hostilities to resolve disagreements? If you were a decision maker, how would you resolve disputes between various members of your community?
 - If you could imagine a condition of peace in your community, what would it feel like, look like, sound like, etc.? How can women contribute to peace in their communities?

Exercise B

- 1) Imagine that your group is living amidst the chaos of civil strife between self-proclaimed Islamists and secularists. Ask yourselves: In what ways would this conflict affect your lives?
- 2) Forge a consensus on the three most difficult obstacles you might confront during civil strife. Ask yourselves: Was your group able to forge a consensus easily? Why or why not?

Exercise C

- 1) Imagine that your group could send messages or write postcards to the women of Algeria. Ask yourselves: What would you say or write to Algerian women? Why?
- 2) Have the members of your group say and read aloud their messages to Algerian women.
- 3) Hang the postcards up for display on one wall of your facility.

PART 4

Creating a Culture of Peace

The maintenance of peace and security at the global, regional and local levels, together with the prevention of policies of aggression and ethnic cleansing and the resolution of armed conflict, is crucial for the protection of the human rights of women and girl children, as well as for the elimination of all forms of violence against them and of their use as a weapon of war.

From **The Beijing Platform for Action**, adopted at the Fourth UN Conference on Women and the NGO Forum '95. Paragraph 12.

I. Envisaging a Paradigm Shift

Violence is used to control women and girls in families, in communities, and in times and places of public conflict. In many societies, violence is institutionalized through cultural practices within the private sphere and through criminal activities and warfare in the public domain.

Violence against females is inherent to a culture of threat-based relationships at the individual, community, national, and international levels. In times of armed conflict, women and girls are left to comfort survivors, especially children and the

aged; to forage for food and potable water; and to scramble for shelter. Violence of all sorts often inflicts post-traumatic stress on women and girls, rendering them incapable of meeting their own and others' basic needs. Violence against females produces physical and emotional scars in the short and long term.

The fact that violence against women and girls is deeply rooted in patriarchal cultural practices, seems justified by political and socio-economic necessity, and occurs everywhere, raises four questions: (1) Can human beings develop societies where violence is abhorred and peace is valued above all else?; (2) Can such transformation occur without redistributing resources and access to entitlements throughout the world?; (3) What role should women play in ushering change?; and (4) What are the prerequisites for cultivating a culture of peace?

Women have every motivation and are uniquely qualified to transform the prevailing cultures of violence into cultures of peace at the local, national, and international levels. *At the local and national levels, cultivating cultures of peace entails promoting civility of discourse, conflict resolution, and mutual respect between the sexes as well as people of diverse ethnic and racial backgrounds.*

At the global level, creating a culture of peace will be more challenging because states and other international actors have interests that diverge and even clash in an essentially anarchical environment. In particular, states fear encroachments on their national interests and sovereignty by other states in this environment. Because examples of long-lasting peace in international relations are rare, envisaging a culture of peace is difficult. Arguably, however, cultivating a culture of peace entails:

- *respecting already-existing regimes on issues such as arms control and monitoring, human rights, and warfare conduct;*
- *formulating new principles of international law on issues that have emerged and/or gained greater attention during the post-Cold War era such as conservation and equitable use of the global commons, children's and women's human rights, and sustainable development;*
- *addressing the grievances of communities adversely affected by the global capitalist economy through strategies of sustainable development;*
- *de-emphasizing states' sovereignty while underscoring the urgency of issues that require international cooperation—for example, preservation of the environment.*

In short, forging cultures of peace at the local, national, and especially, the international level involves a profound paradigm shift. Indeed, conceptualizing peace *per se* may be impossible for those who have lived in conditions of frequent violence—whether in the home, in the community, or between states. A useful starting point may be the concept of “non-violence.” At the very least, families, communities, and international actors should omit threats and acts of violence from their inventory of instruments used to gain and perpetuate influence. However, some progress toward creating culture(s) of peace has already been made—for example, the passage of the Declaration on the Elimination of Violence Against Women and the appointment of the

UN Special Rapporteur on Violence Against Women in 1993, and United Nations' designation of 2000 as the year of the culture of peace. Women should take heart and be at the forefront of this shift toward a culture of peace at all levels—even in the international arena where the task seems most daunting.

II. Understanding the International Culture of Violence

To initiate the shift to a global culture of peace, we must understand the prevailing international norms and values which seem to tolerate and sometimes even condone violence against women and girls. Historically, human beings have often resorted to warfare to resolve their disputes. Yet the risks of military hostilities have risen considerably throughout the second half of the twentieth century, and the impact of war differs significantly for females and males.

Warfare wrecks havoc and violence on the lives of soldiers, most of whom are males, as well as civilians, most of whom are children and women. When armies battle each other, violence is never strictly contained. Collateral damage is almost inevitable, even during this era of “smart” weapons with pin-point precision. What military strategists term “collateral damage” is in fact the heavy toll paid by women, children, and the aged during wartime.

Furthermore, with the proliferation of nuclear, chemical, and biological weapons—particular in the Global South—the world faces the threat of self-annihilation. The “use” of these weapons for the purpose of deterrence is based on the threat of *intentionally targeting civilian populations*. Faulty equipment and careless maintenance procedures have resulted in nuclear accidents, and nuclear testing has produced both environmental and genetic contamination. Yet we may take heart that all international actors seem to understand the logic of deterrence, for none has launched a nuclear attack in over half a century.

War destroys people and their communities—whether they are civil wars, wars of national liberation, or wars between nations and/or states. Women and girls suffer a specific kind of fallout, becoming victims of involuntary disappearance, detention, displacement, general resourcelessness, sexual slavery, rape, other forms of sexual abuse, forced pregnancy and sterilization, torture, and murder.

Yet because men dominate most governments and armed forces, women have little say about whether or not there will be wars, even in those states where they have the right to vote and to participate in public life. Women should have a voice in setting the priorities within their societies. They have every motivation to seek the transformation of the prevailing cultures of violence into cultures of peace.

III. Women Taking Action

The Beijing Platform for Action, which represents a consensus of women's views worldwide and to which the overwhelming majority of states agreed in 1995, considers the ways in which societies could better allocate resources. The Platform urges governments to reduce "excessive military expenditures and investments for arms production and acquisition" (Paragraph 349) and to "increase and hasten...the conversion of military resources and related industries to development and peaceful purposes" (Paragraph 143a). Clearly, in a world where so many people live in abject poverty, suffer ill health, and die young, communities could better use military resources to ensure the survival, health, and education of all humanity.

The armament industry, one of the most lucrative in the world capitalist market, coupled with governments seeking to increase their power and influence, helps to perpetuate the cycle of violence throughout the world. Overwhelmed by the power of corporate and governmental institutions, people may feel helpless in the face of these overpowering entities. Throughout the Global South, the sense of injustice and insecurity—the legacy of colonial-

ism and imperialism—compounds this helplessness.

Overcoming the feeling of helplessness is not easy, but women have risen to this challenge before and can do so again. Most women have had some experience "making do" with the material and social resources at hand. Historically, women have participated in peace movements throughout the world, influencing the powerful machinery of state with few resources.

For example, European and North American women took a peace initiative in 1915, founding the Women's International League for Peace and Freedom in an effort to halt the fighting in World War I and suggesting alternative means of conflict resolution. After World War II, women throughout the world established local, national and international groups protesting nuclear experimentation and the creation of nuclear weapons. While assessing the direct effect of these efforts is difficult, women's political work was no doubt instrumental in identifying the need to maintain peace and peacekeeping on the international agenda.

Women continue to form groups struggling for peaceful means of conflict resolution throughout the world. In Argentina, the mothers and grandmothers of young people who had been "disappeared" by the government during the 1970s set up a mothers' movement which grew to 2500 members and attracted significant local and international media attention through regular peaceful demonstrations in front of the legislature. They were partially responsible for forcing the government to hold the 1982 elections.

In 1994, Kenyan women were active participants in peace and reconciliation workshops for youths and women. The Sudanese Women's Voice for Peace has worked to promote dialogue between North and South Sudanese women in the quest for peace. An African Women's Peace Tent appeared at the Africa Regional Conference for Women in Dakar.

More recently, women and men in non-governmental organizations as well as within governments cooperated to draft an international treaty against the use of land mines. By the end of 1998, over 100 states are expected to sign this treaty. This

initiative should give hope to women and men who wish to transform the world from a culture of violence into a culture of peace.

IV. Initiating Change: What Can Be Done to Create the Culture of Peace?

- *People dedicated to building cultures of peace at the national and international levels should form groups to:*
 - Pressure schools to emphasize the use of conflict resolution models in various subjects such as civics and politics, history, physical education, and religious studies.
 - Edit for re-publication text books and children's books whose contents and illustrations glorify violence.
 - Encourage producers and advertisers of radio and TV programs directed at children and adolescents to desist from programming that celebrates violence and to create programs that support pacific behavior.
 - Organize publicity campaigns, poster contests, public information sessions, and other exhibitions and performances that present positive images of women and girls, oppose violence, and promote peaceful conflict resolution.
 - Establish public education programs that focus on how tolerance and conflict resolution can advance a culture of peace built on mutual interests rather than on adversarial models.
 - Petition governments to develop policies which prevent domestic violence within the family.
 - Lobby governments to institute special training programs for police officers, lawyers, and judges who handle domestic violence cases.
 - Urge governments and private donors to commit money to shelters for survivors of domestic violence and their children.

- Advocate the re-allocation of public resources from military spending to social welfare programs.
- Support candidates for elective office who promote peaceful resolution of local, national, and international conflicts.
- Study the international human rights documents signed and/or ratified by their governments; monitor implementation of these commitments; and identify critical areas of concern where no commitments have been made.

- *Arguably, however, the culture of peace begins at home. Families can promote peace within the private sphere by doing the following:*

- Model non-violent conflict resolution, thus improving relationships between parents, between parent and child, and between children.
- Teach children how to resolve their quarrels in peaceful ways and to act on the basis of fairness rather than custom and privilege.
- Accord equal value to girl and boy children, thus showing boys the appropriate ways of treating girls.
- Promote non-violent forms of play and emphasizing those games and toys that focus on collaboration rather than competition and strife.
- Steer children away from books, comics, radio, toys, and TV programs that contain violence.

Some women may reject these suggestions—all of which have been useful in various settings—insisting that they lack formal political experience. Yet such experience is less important and necessary than the desire to make a difference. The vigorous participation of women who bring with them the experience of “making do,” a fresh approach, and the desire to make the world a safe place for everyone, can and will make an enormous difference to the creation of cultures of peace at the local, national, and international levels.

Questions for Discussion

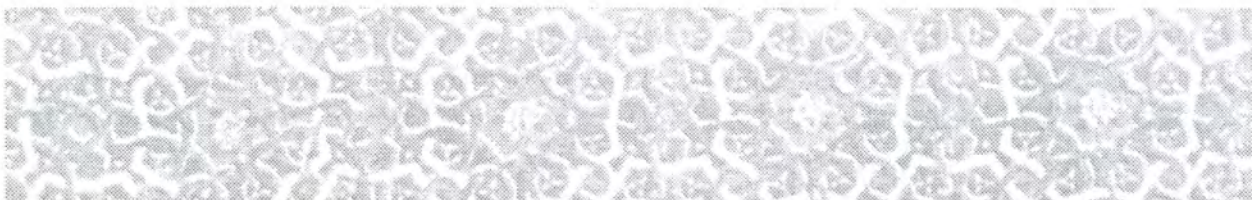
- 1) Did your country sign the Beijing Platform for Action?
- 2) Do you think women can and should play a significant role in creating cultures of peace?
- 3) If women wanted to promote peace in the private and public spheres of life in your community, what kinds of projects could work? Remember, even modest projects can be very productive.
- 4) Mothers are usually the first educators of their sons. Are there ways they can teach little boys forms of non-violent conflict resolution?
- 5) Do you think girls should be prepared to take an active role in transforming cultures of violence into a cultures of peace? What education can women give girls to prepare them to participate in the reshaping of social values?
- 6) Do you know of any peace groups in your community? If so, are they open to women? Would you like to join them? Please explain your views.
- 7) The Beijing Platform for Action urges governments to "...take positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions" (paragraph 192a). Do you think this is likely to happen in your society? Do you think it should happen in your society? Is there anything women can do to help this happen?

Learning Exercises for Workshops

- 1) Think of one time in your life when you were able to resolve a conflict without resorting to threats. Share it with a partner, and list the useful strategies which you used in these situations. Then, work in the larger group to share your strategies, forming a common list of strategies for peaceful conflict resolution.
- 2) You are empowered to work with a group of women to establish peace in your communi-

ty/country. Meet and compile a list of the five most important conditions which must exist to negotiate peace. Form groups of four to six people, and from your lists, enumerate five conditions on which you all agree. Then, convene the larger group, share your lists, and discuss the conditions you have identified.

- 3) You have decided to work for the peaceful transformation of society beginning with your own family. How would you go about this? How would your family respond? Reflect on this for a few minutes, and find a partner with whom to exchange your ideas. Then, convene the larger group, and form a group "recipe" for initiating and supporting peaceful conflict resolution at home.
- 4) You would like to see the children in your family and community grow up with peace, social stability, and opportunities for developing their own potential. You do not believe you can accomplish this for them by yourself. You need to have the support of others. How would you go about finding this support and formulating strategies for making this future possible for your children? Imagine that you are at a preliminary meeting of women who might be interested in such a project. You are trying to find common goals and actions. As a group, articulate five goals, and then work on possible actions to achieve them in the short and long term.
- 5) You would like to see a woman who is interested in promoting a culture of peace assume a political position in your community. What kind of position would be open to her? How could you help make this happen? Discuss possible strategies in the group.
- 6) You are aware of the presence of nuclear and other weapons of mass destruction warehoused in your country and in other countries around the world. As a group discuss your options to oppose the proliferation and use of these weapons by your own and other governments.



Evaluation Form for Educational Model

Please evaluate the effectiveness of this manual, the workshop experience, and/or the workshop facilitator by using the following four-point scale, entering the most appropriate number in the box next to each statement:

- 4 = I strongly agree
- 3 = I agree
- 2 = I disagree
- 1 = I strongly disagree

Your evaluation form is anonymous *unless* you choose to write your name on it. Thank you for taking the time to complete this form.

A. The Manual

- ☐ 1. This manual is an informative introduction to the multi-faceted problem of violence against women and girls in diverse societies.
- ☐ 2. This manual provides a practical model for educating trainers and grassroots populations in Muslims societies about violence against women and girls.
- ☐ 3. This manual offers a useful framework for discussions and/or workshops to raise consciousness about violence against women and girls in Muslim societies.
- ☐ 4. By depicting cases of violence against Muslim women and girls, this manual underscores the pervasiveness of this problem in its various forms—from the psychologically damaging to the life threatening.
- ☐ 5. Although this manual concentrates on violence against Muslim women and girls, it conveys the point that violence against women and girls transcends cultural, economic, ethnic, political, racial, and religious divisions.
- ☐ 6. This manual helped me to recognize as violence behaviors I had previously taken for granted.
- ☐ 7. This manual inspires interested lay-readers, trainers, and/or workshop facilitators and participants to brainstorm for ways to prevent, resist, and cope with the after-effects of violence against women and girls.

B. Trainer's Evaluation of the Manual

Please complete this portion of the evaluation form *only if* you intend to use this manual in your capacity as a trainer.

- ☐ 1. This manual is a valuable tool for trainers seeking to educate others in the human rights advocacy community (e.g., health care workers, lawyers, scholars, workshop facilitators) about violence against women around the world and particularly in Muslim societies.
- ☐ 2. This manual demonstrates the need to link the elimination of violence against women and girls to the development of women's leadership skills and to the creation of a culture of peace.
- ☐ 3. The questions for discussion and learning exercises in this manual help me to develop innovative training techniques for consciousness-raising about violence against women and girls around the world and especially in Muslim societies.
- ☐ 4. This manual stimulates me to adapt the case studies, questions for discussion, and learning exercises to the specific cultural, economic, and political circumstances of their own communities.
- ☐ 5. This educational model inspires me to collect information—for example, case studies and relevant legislation—about violence against women and girls not yet featured in this manual.
- ☐ 6. The appendices and bibliography in this manual encourage me and others in the human rights advocacy community to research on our own the various issues pertaining to violence against women and girls.

- ☐ 7. This manual motivates me to design new strategies for improving women's rights to bodily integrity.
- ☐ 8. I would recommend this manual to other trainers and members of the human rights advocacy community.

C. The Workshop Experience

Please complete this portion of the evaluation form *only if* you used this manual to conduct or participate in human rights education workshops.

- ☐ 1. During the workshop sessions, I had enough time to read the case studies, to consider the questions posed for discussion, and to conduct the learning exercises.
- ☐ 2. During the workshop sessions, the learning exercises enabled me to approach in new ways the problem of violence against women and girls, and inspired me to develop solutions to this problem.
- ☐ 3. During the workshop sessions, I could freely discuss issues that arise in my daily life.
- ☐ 4. During the workshop sessions, the sharing of personal experiences made me recognize that violence against women and girls is perpetrated in the private and public arenas—in and outside of the home.
- ☐ 5. During the workshop sessions, I became aware that violence against women and girls is a violation of basic human rights.
- ☐ 6. During the workshop sessions, I felt that I made contacts and helped to forge a community on which I can build.

☐ 7. I was able to discuss the issues raised during the workshop sessions with the men in my life—my husband, father, brother, other male relatives, friends, and/or co-workers.

☐ 8. I found the workshop sessions to be positive and empowering experiences.

☐ 9. Attending this human rights education workshop has convinced me that I should raise the consciousness of others in my community about violence against women and girls.

As a first step toward this goal, I shall

(Please explain)

☐ 5. The facilitator was knowledgeable about cultural and other issues that are relevant to violence against women and girls in my community.

☐ 6. The facilitator welcomed the participants' suggestions about which issues were more relevant for discussion and adapted the case studies according to the participants' needs.

☐ 7. The facilitator enabled the workshop participants to acquire an understanding of their human rights and especially their rights to bodily integrity and freedom from violence.

☐ 8. I felt that the facilitator cultivated good relationships with the workshop participants, and I hope that we will continue to interact in the future.

☐ 9. I found my interaction with the facilitator to be a positive and memorable experience.

D. The Facilitator

Please complete this portion of the evaluation form *only if* you participated in human rights education workshops based on the structure and contents of this manual.

☐ 1. The facilitator managed the workshop sessions in order that all the participants were able to read the case studies, to consider the questions posed for discussion, and to conduct the learning exercises.

☐ 2. The facilitator created an atmosphere in which the participants could openly discuss sensitive personal issues.

☐ 3. The facilitator was willing to share her life experiences with the workshop participants to stimulate discussion.

☐ 4. The facilitator was knowledgeable about the subject of violence against women and girls.

Please offer any additional remarks you would like below. In your remarks, please consider who else may benefit from using this manual and/or convening human rights education workshops—for example, development workers, grade school teachers, lawyers, police officers, and so on.

APPENDIX I

Projects Designed to Address the Problem of Violence Against Women and Girls in the Global South

We present these ten projects to demonstrate what can be done to address the problem of violence against women and girls at the micro- and macro-levels—within families and communities as well as within the legal systems and machinery of states. In fact, the order in which these cases are presented reflects a progression from projects entailing community-based solutions to those involving legal and political reforms. This progression underscores the need for activism at both the micro- and macro-levels. Each case is presented as follows:

Project Title

- Organization implementing project with contact information when available.
- Project description—background, duration, activities, and goals.

I Legal Training for Community-based Women—Ethiopia

- *Ethiopian Women Law Association (EWLA); Woreda 18, Kebele 27; House No.026, P.O. Box 13760; Addis Ababa, Ethiopia; T 251-1-514-599.*
- This project addresses the issue of legal literacy among Ethiopian women. Outside Addis Ababa, there are no practicing women's lawyers, and even in the capital, there are few.

As such, this year-long project entails at least three activities: (1) preparing educational materials that use simple, non-legal language to convey information about the legal instruments available to women victimized by gender-related crimes; (2)

conducting a fifteen-day training course for women community leaders to become para-legals, with an emphasis on matrimonial relations laws and gender violence; and (3) deploying these para-legals within their communities to help other women.

The goals of this project are to raise awareness among grassroots women of their human rights and of the legal instruments available to vindicate them, and to provide women with effective access to legal system.

2 Participatory Video-production on Women in Labor Migration—Philippines

- *Kanlugan Centre Foundation Inc., Centre for Migrant Workers; 77 K-10th Street; Kamias, Quezon City, 1102 Philippines; T 63-2-921-7849, F 63-2-911-0513; knl@emile.com.ph.*
- *This project addresses the problem of violence against female migrant workers in the Philippines. Since the 1980s, the Philippines has experienced a “feminization” of migrant labor with the result that women laborers have become victims of emotional, physical, and sexual abuse. Others have been imprisoned on false charges, and still others have been murdered.*

As such, this year-long project entails principal and follow-up activities. Most importantly, the Kanlugan Centre will produce a 30-minute video on Filipino women migrants to serve as an educational tool for a mass information campaign on this issue. Ten women migrants shall participate in all phases of production, receiving training in all the technical requirements of the project—from scripting to editing. Upon completion of the video, the Centre will conduct a series of educational sessions for its clients in Manila and for other communities.

The goals of this project are to raise mass consciousness about the violence perpetrated against women migrants, to empower these women to vindicate their human rights, and to engage them in a participatory project of self-expression.

3 Field Study to Research and Document the Prevalence of Domestic Violence Against Women—Jordan

- *Human Rights Forum for Women; P.O. Box 921687; Amman, Jordan; T 962-6-552-6549, F 962-6-859-973.*
- *This project addresses the problem of information scarcity about violence against women and girls in Jordan. As such, this year-long project entails conducting a field study to identify the demographic, economic, and sociological characteristics of both victims and perpetrators of violence against women and girls. The study will also define those official measures used to confront this problem and explore preventive, remedial, and rehabilitation programs that assist survivors of*

gender-based violence. Once accumulated, the Forum will analyze the information statistically and publish the study.

The goals of this project are to raise awareness of the extent and nature of violence against women and girls in order to formulate educational and legislative strategies to eliminate the problem in Jordan.

4 Project for Non-Violence Against Women: Production of Radio Programmes—Peru

- *Colectivo Radial Feminista; Avenida Arequipa 4744, Of. 6, Miraflores; Lima, Peru; T 51-14-4459686, F 51-14-445986; postmaster@crf.org.pe.*
- *This project addresses the problem of the sexual abuse of girls, boys, and women in Peru. As such, this year-long project entails at least three activities: (1) producing and disseminating a set of five stories (five to ten minutes each to read) and six radio spots (30 seconds each) based on cases of violence to publicize the problem beginning on 25 November, the International Day Against Violence Against Women; (2) evaluating utility of materials disseminated and broadcast through implementation of a questionnaire to probe frequency of transmission, audience response, and suggestions for future stories; and (3) duplicating the radio spots for distribution to 150 community-based organizations.*

The goals of this project are to promote public debate about violence against women and children and to provide incentives to community based organizations to formulate strategies to combat this problem.

5 Family Link Outreach Counseling and Training—Trinidad & Tobago

- *Rape Crisis Society (RCS); 40 Woodford Street; Newtown, Port-of-Spain, Trinidad & Tobago, WI; T 809-622-7273, F 809-622-1079.*
- *This project addresses the need to integrate support services for survivors of domestic violence in Trinidad & Tobago. As such, this two-year project entails activity divided into component parts, with a series of weekend workshops about violence against women conducted for families in communities throughout the country's rural and urban areas. The first day of the workshop will target school-age children in the morning, and adults in the afternoon and evening for sessions on child sexual abuse, peer pressure, and teen pregnancy. The second day shall focus on family and gender issues such as conflict resolution, health and hygiene, parenting skills, and self esteem-building. The third and last day shall give members of the community a chance to express their opinions about other topics that need attention. Some sessions will be separated by gender.*

The goals of this project are to encourage family and community dialogue about gender issues and especially about violence against women and children, to develop a network among groups and organizations seeking to address the problem of gender violence, and, ultimately, to reduce the incidence of this violence.

6 Psychological Rehabilitation Centres for Victims of Violence—Tajikistan

- *Association of Women Scientists of Tajikistan; 734025 Dushanbe, Lakhuti St. 9f.5, Tajikistan; T 7-3772-27-15-27, F 7-3772-27-15-27; wstaj@td.silkglas.apc.org.*
- *This project addresses the lack of counselling services available to Tajik women victimized by violence. As such, this ongoing project entails three activities unlimited in their duration: (1) conducting research on the extent and nature of violence against Tajik women; (2) establishing psychological rehabilitation centers that offer counselling to women victimized by violence, with branches in the Gissar, Kofarnikhon, and Lenin regions; and (3) monitoring the effectiveness of rehabilitation services in these regions of the republic.*

The goal of this project is to provide psychological services to Tajik women coping with the emotional and physical after-effects of violence.

7 Domestic Violence Against Women: Training Workshops on Safety Issues and Legal Strategies for Empowering Battered Women—Cambodia

- *Women's Legal Resource Centre, Cambodian Defenders' Project (CDP); P.O. Box 931; Phnom Penh, Cambodia; T 855-2-372-0032, F 855-2-372-0031.*
- *This project addresses the issue of Cambodian women's access to the legal system in cases of domestic abuse. Although the law offers mechanisms to deal with domestic abuse, the courts hear such cases in practice only when an advocate vigorously makes a formal request.*

As such, this year-long project entails three activities: (1) organizing training workshops on litigating domestic violence in Cambodian courts with an emphasis on divorce cases and criminal defense for women and their relatives charged with crimes against batterers; (2) linking legal services to those of local NGOs working for survivors of domestic violence; and (3) educating the community by designing, publishing, and distributing information about women's legal rights.

The goal of this project is to ensure that domestic violence survivors and their families have access to effective legal representation before the courts.

8 Teaching Women's Rights as Human Rights: An Educational Project in Pakistani Schools—Pakistan

- *Simorgh*; P.O. Box 3328, Gulberg-II; Lahore 54660, Pakistan; T 92-42-575-7195.
- This project addresses the issue of women's legal rights as related to the images of women presented to youth. The erosion of women's legal rights is epitomized by the Hudood Ordinances which equate rape with adultery, turning female victims of rape into offenders punished by imprisonment, public flogging, or death by stoning.

As such, this year-long project entails at least three activities: (1) designing a series of multi-purpose texts that incorporate human rights concepts in English and Urdu social science texts; (2) publishing and using these texts in all grades of school—the texts will grow more complex in terms of concepts and materials according to the students' age and academic needs; and (3) reinforcing this educational methodology through the production of teachers' guides, training workshops, and Simorgh's monitoring process.

The goals of this project are to alter and improve the images of women presented to youth in school texts, stimulate a learning process that will spark independent thought about human rights issues among youth of all ages, and promote a life-long respect for women's human rights.

9 Ending Violence Against Kenyan Women—Kenya

- *International Federation of Women Lawyers, Kenya Chapter (FIDA)*; P.O. Box 46324; Nairobi, Kenya; T 254-2-717169, 711853, 714629, 718370; F 254-2-716840.
- This project addresses the problem of rape in Kenyan society. Kenyan law defines rape according to age of the victim and the relationship between her and the perpetrator. The rape of a girl under 14 is classified as "defilement" and is a lesser offense. Defilement and rape are most common in schools and on plantations.

As such, this year-long project entails five activities: (1) initiating a dialogue between FIDA, the Ministries of Education and Labor, and trade unions representing women agricultural workers; (2) conducting workshops for government and union officials; (3) holding training seminars for teachers, union officials, and women; (4) organizing workshops for women in educational institutions and on plantations to inform them of their rights and to design strategies for survival and protection; and (5) developing a training curriculum and manual for future activities.

The goal of this project is to assist the Ministries of Education and Labor as well as trade unions to develop policies and reform laws on gender violence.

10 Living Without Violence—Bolivia

- *Femina*; Avenida German Busch S/N Casilla 5487; Cochabamba, Bolivia; T 591-42-244-89479, F 591-42-244-5968.
- This project addresses the problem of violence against Bolivian women from various perspectives—the legal, medical, and psychological. As such this year-long project entails at least three activities: (1) training police officers, lawyers, judges, doctors, social workers, and psychologists to work on cases of domestic violence; (2) conducting a survey study of the problems and needs of women from diverse ethnic groups and social classes; and (3) orchestrating a media campaign including posters, radio spots, and television broadcasts that begins on 8 March—International Women’s Day—to generate debate about alternatives to violence, particularly among youth.

The goals of this project are to promote Bolivia’s implementation of the InterAmerican Convention for the Prevention, Punishment, and Elimination of Violence Against Women, as well as the Law Against Domestic or Intra-family Violence, and to strengthen the process of democratization through respect for women’s human rights.

APPENDICES 2A–2E: INTERNATIONAL LEGAL INSTRUMENTS PROTECTING WOMEN'S HUMAN RIGHTS

APPENDIX 2A

The Universal Declaration of Human Rights, 1948

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for

and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the realization of this pledge,

Now, therefore,

The General Assembly

Proclaims the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and

conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him.

Article 11

- 1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all guarantees necessary for his defense.
- 2) No one shall be held guilty of any penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- 1) Everyone has the right to freedom of movement and residence within the borders of each State.
- 2) Everyone has the right to leave any country, including his own, and to return to his own country.

Article 14

- 1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- 2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- 1) Everyone has the right to a nationality.
- 2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- 1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- 1) Everyone has the right to own property alone as well as in association with others.
- 2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- 1) Everyone has the right to freedom of peaceful assembly and association.
- 2) No one may be compelled to belong to an association.

Article 21

- 1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 2) Everyone has the right of equal access to public service in his country.
- 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to its realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- 1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- 2) Everyone, without any discrimination, has the right to equal pay for equal work.
- 3) Everyone has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- 4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- 1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing,

housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- 2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- 1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- 2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- 3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- 1) Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancements and its benefits.

- 2) Everyone has the right to the protection of the moral and materials interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the right and freedoms set forth in this Declaration can be fully realized.

Article 29

- 1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- 2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- 3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, groups or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX 2B

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

The States Parties to the present Covenant,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic social cultural civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the

internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

Part I

Article 1

For the purposes of the present Convention the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

- 1) Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
- 2) Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

- 1) States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
- 2) States Parties shall grant women equal rights with men with respect to the nationality of their children.

Part III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women;

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programs for girls women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

- 1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
- 2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, discrimination on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
- 3) Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

- 1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
- 2) Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

- 1) States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sector of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.
- 2) State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counseling and services in family planning;
 - (c) To benefit directly from social security programs;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Part IV

Article 15

- 1) States Parties shall accord to women equality with men before the law.
 - 2) State Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
 - 3) States Parties agree that all contracts and all other private instruments of any kind with a legal affect which is directed at restricting the legal capacity of women shall be deemed null and void.
 - 4) States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
- 2) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 16

- 1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

Part V

Article 17

- 1) For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

- 2) The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
- 3) The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
- 4) Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 5) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
- 6) The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
- 7) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
- 8) The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
- 9) The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

- 1) States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned; and
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
- 2) Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19

- 1) The Committee shall adopt its own rules of procedure.
- 2) The Committee shall elect its officers for a term of two years.

Article 20

- 1) The Committee shall normally meet for a period of not more than two weeks annually in order to consider the report submitted in accordance with article 18 of the present Convention.
- 2) The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

- 1) The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
- 2) The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

Part VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

- 1) The present Convention shall be open for signature by all States.

- 2) The Secretary-General of the United Nations is designated as the depositary of the present Convention.
- 3) The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 4) The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

- 1) A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
- 2) The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

- 1) The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- 2) For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

- 1) The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
- 2) A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3) Reservations may be withdrawn at any time by notification to this effect addressed to the

Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

- 1) Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

- 2) Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
- 3) Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

APPENDIX 2C

Fourth World Conference on Women, the Platform for Action, 1995

Sections Addressing Violence Against Women and Girls

Violence against Women Diagnosis

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

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

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

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, female infanticide and prenatal sex selection.

(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 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, are 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 multi-disciplinary approach to the challenging task of promoting families, communities and States that are free of vio-

lence 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 programs 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 punishment 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, [20] 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 programs 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, [21] the International Covenant on Civil and Political Rights, [13] the International Covenant on Economic, Social and Cultural Rights, [13] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; [22]
- (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; [23]
- (g) Promote an active and visible policy of mainstreaming a gender perspective in all policies and programs related to violence against women; actively encourage, support and implement measures and programs 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, female infanticide, prenatal sex selection 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 programs 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, 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 centers, 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 and educational and training programs 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 and 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 programs 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; also raise awareness of the important role of the media in informing and educating 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 programs and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere;
- (b) Develop programs 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 counseling, healing and support programs 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 the 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 per-

petuated 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 commercial-

ized 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 institution with a view to dismantling national, regional and international networks in trafficking;
- (d) Allocate resources to provide comprehensive programs 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 programs and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

APPENDIX 2D

Declaration on the Elimination of Violence Against Women, 1993

G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (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 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the 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 and 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, des-

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

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, labor 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 cooperation 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 re-victimization 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 cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programs, 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) 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 Nations, 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 non-governmental 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 non-governmental 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 programs, 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 cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programs 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 coordination 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 coordination between organizations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programs, 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 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.

APPENDIX 2E

The Convention on the Rights of the Child, 1989

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic,

Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries, have agreed as follows:

Part I

Article 1

For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Article 2

- 1) States Parties shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or

her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

- 2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

- 1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- 2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- 3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable,

the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

- 1) States Parties recognize that every child has the inherent right to life.
- 2) States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

- 1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.
- 2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

- 1) States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
- 2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9

- 1) States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that

such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

- 2) In any proceedings pursuant to paragraph 1, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
- 3) States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
- 4) Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

- 1) In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

- 2) A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

- 1) States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
- 2) To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

- 1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2) For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

- 1) The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either oral-

ly, in writing or in print, in the form of art, or through any other media of the child's choice.

- 2) The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

- 1) States Parties shall respect the right of the child to freedom of thought, conscience and religion.
- 2) States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
- 3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

- 1) States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- 2) No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

- 1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor and reputation.
- 2) The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

- 1) States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
- 2) For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

- 3) States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

- 1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- 2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

- 1) A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
- 2) States Parties shall in accordance with their national laws ensure alternative care for such a child.
- 3) Such care could include, inter alia, foster placement, Kamala of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

- 1) States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:
 - (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
 - (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
 - (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
 - (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
 - (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

- 1) States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompa-

nied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

- 2) For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

- 1) States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.
- 2) States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
- 3) Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be

designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

- 4) States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

- 1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
- 2) States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, tak-

ing into consideration the dangers and risks of environmental pollution;

- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents, and family planning education and services.
- 3) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
 - 4) States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

- 1) States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
- 2) The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration rele-

vant to an application for benefits made by or on behalf of the child.

Article 27

- 1) States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
 - 2) The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
 - 3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.
 - 4) States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- 2) States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 - 3) States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 28

- 1) States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such
- as the introduction of free education and offering financial assistance in case of need;

Article 29

- 1) States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of

understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

- (e) The development of respect for the natural environment.
- 2) No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

Article 31

- 1) States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2) States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

- 1) State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or

physical, mental, spiritual, moral or social development.

- 2) States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

- 1) States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- 2) States Parties shall take all feasible measures to ensure that persons who have not attained

the age of 15 years do not take a direct part in hostilities.

- 3) States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavor to give priority to those who are oldest.
- 4) In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

- 1) States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
- 2) To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions

that were not prohibited by national or international law at the time they were committed;

- (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
- 3) States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having

infringed the penal law, and in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
- 4) A variety of dispositions, such as care, guidance and supervision orders; counseling; probation; foster care education and vocational training programs and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offense.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International law in force for that State.

Part II Implementation and Monitoring

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means to adults and children alike.

Article 43

- 1) For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

- 2) The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
- 3) The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
- 4) The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
- 5) The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two-thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 6) The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
- 7) If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
- 8) The Committee shall establish its own rules of procedure.
- 9) The Committee shall elect its officers for a period of two years.
- 10) The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
- 11) The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
- 12) With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

- 1) States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
- 2) Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations

under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

- 3) A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent report submitted in accordance with paragraph 1(b) of the present article, repeat basic information previously provided.
- 4) The Committee may request from States Parties further information relevant to the implementation of the Convention.
- 5) The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.
- 6) States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies,

the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications;

- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties

Part III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

- 1) The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

- 2) For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

- 1) Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favor a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
- 2) An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
- 3) When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

- 1) The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
- 2) A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3) Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

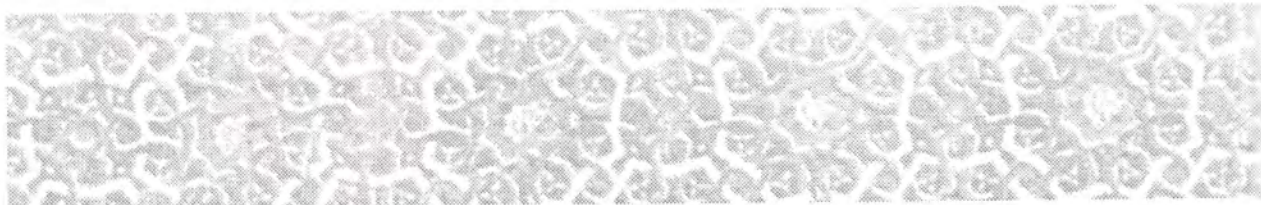
The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

APPENDICES 3A–3E: EXAMPLES OF NATIONAL DOCUMENTS ON WOMEN’S HUMAN RIGHTS AND RELATED ISSUES



The following appendices feature national documents or summaries thereof from Egypt, Malaysia, Turkey, Canada, and Sweden, as well as from the Permanent Arab Court to Resist Violence Against Women. The order in which we present these appendices reflects a progression from the national documents of Egypt, Malaysia, and Turkey to those of Canada and Sweden. While Malaysia and Turkey in particular have recently made strides in the area of anti-violence legislation, Canada and Sweden have enjoyed a longer history of working on women’s issues and have offered women a greater voice in the decision-making process. Appendix 3D, the document from the Permanent Arab Court, demonstrates how Arab societies are striving, with new vigor, to address the problem of violence against women and girls. Indeed, the multi-faceted problem of violence has received greater attention in the Global South during 1997–98 as evidenced by the legislation passed in societies as diverse as Honduras, Mexico, the Philippines, and Thailand.

APPENDIX 3A

Survey of Egypt's Law on Women's Rights, Responsibilities, and Status

1—The Penal Code:

There is a difference between punitive measures taken against an adulteress and an adulterer.

- In the case of the adulteress, **Article 374, Law 58** states:

"If a married woman is proven guilty of adultery she is imprisoned for a period of no more than 2 years, and her husband may stop the execution of the verdict if he agrees to stay with her. This right is not given to the wife when the husband is proven an adulterer, for she could only revoke the verdict before it is announced."

whereas,

- In the case of the adulterer, **Article 276** stipulates:

"Every husband who has committed adultery in his marital home and if this has been proven, is sentenced to a period of no more than 6 months. With regards a wife, there should be no special evidence but the matter is left to general principles where if the

judge is convinced through circumstantial evidence that she has committed the crime then he could condemn and punish her. For a husband to have committed adultery the condition is that it is committed at the marital home only, because the jurisprudence finds in this legal protection from the probable humiliation which a wife could face because of her husband's treachery in a house she may herself be in. But if the husband has committed adultery anywhere else, a wife could not file for a suit against him, for at night, for instance, she should not be in another house to prove his guilt of adultery."

Regarding punishment for the crime of adultery,

- **Article 237** asserts:

"If a wife is caught in the act of adultery and is instantly murdered she and her lover, the husband is to be punished with imprisonment instead of the punishment stipulated for in articles 234 and 236 Penal Code."

This article reflects the jurists' belief that the husband suffers from a detrimental "psycho-

logical effect” when he finds his wife in bed with another man and, therefore, is justified in killing her. The article continues:

“This right is given to the husband only and not the wife. A wife who finds her husband with his lover and kills them is punished with the ordinary punishment according to the penal code.”

In defining rape, the Penal Code considers the marital status of the perpetrator and victim, absolving the former of this crime if he marries the latter.

• **Article 267** explains:

“Anyone who sleeps with a female without her acceptance is punished with life of hard labor”

Presently, the accepted punishment is execution, making rape a capital crime. Yet the law qualifies the punishment.

• **Article 291** notes:

“If the kidnapper or rapist marries his victim, legal punishment is rendered invalid.”

2—The Nationality Law disallows mothers from passing their nationality to their children on their own.

• **Article 2** says:

“An Egyptian is: (1) One who is born of an Egyptian father. (2) One who is born in Egypt from an Egyptian mother and a father whose nationality is unknown, or one who has no nationality. (3) One who is born in Egypt from an Egyptian mother whose father is not legally known.”

Thus, a child born of an Egyptian mother and foreign father does not have an Egyptian nationality, nor does s/he have the right to acquire it later.

3—Personal Status Law defines the rights and duties of women vis-a-vis their husbands and families:

• **Article 1** states:

“A wife may not leave her home without justified reason that permits her to do so, for reasons that have to do with the Shari’a or customs or necessity, and she may not even go out to legitimate work unless it is proven that her use of this right is legitimate, and that she is not abusing that right, or that it is against the benefit of the family, and if her husband has not asked her to stop working.”

Regarding the right to divorce, the law differentiates between men, who may divorce at will, and women, who must go through court procedures.

• **Law 25 for 29, renewed with article 110 for 85, article 6** asserts:

If a wife claims that she has been harmed and is incapable of living with her husband, she could ask the judge for their separation. The judge can divorce her if she proves the harm done to her. Yet to prove such harm is nearly impossible, because this requires first-hand witnesses to beatings or to abuse. Specifically, emotional abuse is impossible to prove.

• **Article 11r** says: A wife whose husband has remarried could ask for divorce if she proves that she has been harmed physically or emotionally and cannot live with him.

Proving harm depends again, in this case, on the judge’s discretion. A wife may also ask for divorce in the following cases:

- if the husband has been imprisoned more than 3 years;
- if he does not spend on her;
- chronic illnesses such as madness;
- sexual illnesses;
- social and psychological incompatibility;

- the absence of a husband for a year or more with no acceptable reason, and in this case the husband has to research into why he is absent.

In all those cases, except perhaps madness, proof is always the problem in the actual application of the law.

However, there are some principles attached to the law:

Principle 22: A wife may not claim harm of her husband's bad behavior.

Principle 31: It is not considered a harm that necessitates divorce if a husband beats his wife's relatives.

Principle 43: A husband's sexual perversity is considered harmful to the wife.

Principle 47: Too many problems between wife and husband is not evidence of harm.

Principle 59: A wife's return to her husband's house following having been harmed by him means that life could continue between them (and is therefore not grounds for divorce).

The law requires the wife's obedience to her husband:

- **Article 11r** of the same law explains:

"If a wife refuses to enter into her husband's obedience without right, he could immediately stop financing her from that date, and she is considered as having refused if she did not return to her marital home after her husband had sent her a formal

notification of return through the court, and she has the right to object to that in court within 30 days."

Regarding child custody, the law restricts the mother's right contingent upon the child's age.

- **Article 20** asserts: A mother has custody of the children, but this custody ends when the boy reaches 10 and the girl reaches 12. A judge may continue custody with the mother for the boy until he reaches 15 and the girl until she is married, according to his discretion, but without child support.

The Ministry of the Interior has issued a decree limiting the wife's right to movement without her husband's permission.

- According to **Decree 864**:

"Granting a wife a passport or renewing it is done only after a husband's written approval for her traveling abroad, or his legal representative. Issuing a passport or renewing it means an approval of a wife's traveling throughout the duration of the validity of her passport, and any not be cancelled or revoked except with permission from the husband or his representative."

Legally, women are entitled to less inheritance than men:

- **Law 77 for 43** stipulates: A wife may inherit one-eighth of an inheritance if she has boys and one-quarter if she has none. A female inherits half the inheritance if she was single and one-third if there were several females.

- **Article 38** says: A male inherits twice a female if they are brothers and sisters.

APPENDIX 3B

Domestic Violence Act of Malaysia, 1994 (Act 521)

Arrangement of Sections

PART I—PRELIMINARY

1. Short title, application and commencement.
2. Interpretation.
3. Savings for provisions in other written laws.

PART II—PROTECTION ORDER

4. Interim protection order.
5. Protection order.
6. Orders that may be included in protection order.
7. Powers of arrest.
8. Contravention of protection order.
9. Making or renewing orders upon contravention of protection order.

PART III—COMPENSATION AND COUNSELING

10. Compensation.
11. Counseling, etc.

PART IV—PROCEDURE ON PROTECTION ORDERS

12. When interim protection order may be sought.
13. When protection order may be sought.
14. Filing in of complaints.
15. Complaints on behalf of child or incapacitated adult.
16. Record of complaints and orders.
17. Proof of service of protection order.

PART V—MISCELLANEOUS

18. Information on offences involving domestic violence.
19. Duties of enforcement officers.
20. Regulations.

DOMESTIC VIOLENCE ACT 1994 (Act 521)

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

- (1) 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.
- (2) This Act shall apply to all persons in Malaysia.

2. Interpretation

In this Act, unless the context otherwise requires—
“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;

“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;

“court” means:

- (a) in respect of criminal proceedings involving allegations of domestic violence, the court competent to try the actual offence with which the accused is charged;
- (b) in respect of civil proceedings for compensation under section 10, the court competent to hear such claims in tort;

“domestic violence” means the commission of any of the following acts:

- (a) willfully or knowingly placing, or attempting to place, the victim in fear of physical injury;
- (b) causing physical injury to the victim by such act, which is known or ought to have been known would result in physical injury;
- (c) 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;
- (d) confining or detaining the victim against the victim’s will; or
- (e) 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;

“enforcement officer” means a police officer or a welfare officer from the Department of Social Welfare;

“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;

“Minister” means the Minister charged with the responsibility for social welfare;

“other member of the family” means:

- (a) (i) an adult son or daughter; or
(ii) a father or mother, of the offender; or
- (b) (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;

“protected person” means a person who is protected under a protection order;

“protection order” means an order issued under Part II;

“relative” means a person who is related through the full-blood or half-blood, or through marriage or adoption, including *de facto* adoption;

“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 organization 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;

“shared residence” means the premises at which the parties are, or have been, living together as members of the same household;

“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 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;

“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 (1)(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 authorize 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 COUNSELING

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 dependants.

11. Counseling, etc...

- (1) The court may, in any proceeding 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 practical, take the advice of a social welfare officer or some other trained or experienced person.
- (4) In this section “conciliatory body” includes bodies providing counseling services set up under the Department of Social Welfare and, in the case where the parties are Muslim, also includes those set up under the Islamic Religious Affairs Department concerned.

PART IV—PROCEDURES ON PROTECTION ORDERS

12. When interim protection order may be sought

An interim protection order may be sought pending investigations by the police following an 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 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 order

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 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.

APPENDIX 3C

The New Law on Domestic Violence in Turkey: Protection Orders

THE LAW ON THE PROTECTION OF THE FAMILY, 1998

Translated from Turkish into English by Women for Women's Human Rights (WWHR)

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 behaviour 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 through 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.

JUSTIFICATION FOR THE LAW ON THE PROTECTION OF THE FAMILY

According to Article 41 of the Constitution the family is the basis of society. It is the smallest unit through which individuals constitute membership of society, and with the establishment and perpetuation through mutual consent of a healthy family structure which has a direct impact on the formation of society and its future continuation in a sound form. In our country rapid industrialisation and the parallel urbanisation have produced a rapid shift away from the traditional extended family structure of grandmother, grandfather, mother, father and grandchildren to a narrower definition of a family structure as embodied in the nuclear family of mother, father and child. The prevailing difficult economic conditions, social and conceptual con-

fusion, and the exhausting pace of city life result in members of the family suffering psychological and social distress.

Violence began with the appearance of the first people and, in a variety different forms and methods of application, has remained a problem ever since. Violence in family life or "violence in the family" between different family members, which can be defined as "physical verbal or emotional abuse by one member of a family of another" is more dangerous to society and the damage that violence within the family, which is the smallest unit in society, causes and may cause deeper and more indelible damage to the structure of society itself. Violence within the family not only damages society; it also has a dangerous effect on the individual. The application of violence within the family by a person who should be showing love, affection and compassion, leaves psychological scars on the victim which may prove difficult ever to erase. Research has shown that mothers and children are the most likely victims of violence in the family.

In recent years violence within the family has reached shocking dimensions in our society. It is possible to see examples of beatings, torture and killings in the family every day in the printed and visual media. For this reason, taking into consideration the statement in Article 41 of the Constitution that "the state takes measures to protect the welfare and peace of the family and particularly to protect mothers and children and establishes an organisation to this end," legal measures need to be taken to protect women and children who are subject to violence within the family.

The "Draft Law on the Protection of the Family" was prepared with this aim in mind and, taking into account the practices in countries such as the US, Australia, New Zealand, Britain, Ireland and Norway, includes in the Turkish legal system provisions ensuring the right of women who are exposed to the possibility of violence to apply to the court to secure protection orders.

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 accused 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 then 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.

APPENDIX 3D

Document of the Women's Court— The Permanent Arab Court to Resist Violence Against Women

Following the distinguished activity of the Arab Court of Women held in Beirut, June 1995, a meeting was convened in Rabat, Morocco on 30 November–1 December 1996, summoning representatives of Arab NGOs in addition to some personalities who came from 11 Arab countries.

Background

The Arab Women Court held in Beirut in June 1995 highlighted the issue of violence perpetrated against women in the Arab world. Among the steps urged by the Court was the establishment of a permanent Arab mechanism dedicated to confronting the intensifying, multi-faceted violence to which Arab women are exposed.

As a result, a meeting was held in Rabat, Morocco on 30 November–1 December 1996, to establish a permanent Arab court to resist violence against women.

Presumption

Violence against women is a historical phenomenon that goes back to the paternal age and is intensifying considerably nowadays in Arab societies in view of their [difficult] political, economic, social and cultural situations;

- Violence against women—whether practiced at home or in society—is a systematic pattern strengthened by different factors, the most important being the prevailing culture and inherited popular customs, in addition to the different juridical, educational, and other social structures.
- Women are the major victims of the economic changes that are taking place in the world as a result of restructuring and market globalization, amidst the absence of social justice and democracy and the escalation of religious fundamentalism and ethnic conflicts.
- Arab NGOs are growing more and more aware of the phenomenon of violence [against women] and of their responsibility to confront it. They have started to confront this violence as a social problem that should be addressed by the whole society, not only by the women who are its victims.

Accordingly, those attending this meeting decided to establish “The Women Court: The Permanent Arab Court to Resist Violence Against Women,” which is a symbolic, popular court that aims to fight all forms of violence against women in Arab societies, the membership of which is open for all those who agree with its objectives.

Objectives

1. To move violence practiced against women from its individual framework to a public one, because violence is a structural and systematic behavior that affects the whole society.
2. To elevate awareness of violence, the environments in which it grows, and the human rights that [it violates and] should be respected.
3. To exert pressure on Arab governments and on institutions of civil society to take measures that protect women victims of violence and provide the help they need.
4. To offer direct help to women subjected to all forms of violence.

Mechanism

To achieve these objectives, the Court has decided to make use of all available peaceful measures, including:

- Detecting, documenting and reporting to the public all major acts of violence;
- Reviewing the dominant structures and methodologies that encourage the practice of violence;
- Seeking legal acknowledgement that violence against women is a violation of human rights and a public crime that should be condemned and merits sentencing;
- Conducting studies and research on all forms of violence and checking the commitment of governments and societies to women’s human rights.

After approving the constitutional law, the meeting also ratified the plan of action for the coming period and elected Ms. Zoya Rouhana from Lebanon as General Coordinator of the Court as well as the members of the Coordination Committee who shall follow up the work until the first conference of the Court is held. The Committee members are:

Zoya Rouhana
 Nozha Aloui
 Safia Farhat
 Fatima Nour
 Naila Bin Ayyad
 Mohsen Marzouk
 Salma Jibbou
 Ferdaouse el Bahra
 Sama Liftawi
 Leyla Abdel Wahab
 Hanan El Bakri
 Amena Al Zo’bi
 Raufa Hassan
 Lebanon—The League of Lebanese Women’s Rights
 Morocco—The Union of Women’s Action
 Tunisia—The Tunisian Association of Democratic Women
 Mauritania—The Al-Amal Association
 Algeria—SOS Femme En Detresse
 Tunisia—El Taller
 Iraq—The League of Iraqi Women
 Syria—The Syrian Women’s League to Protect Motherhood and Childhood
 Palestine—The Arab Women’s Forum Aisha
 Egypt—The Union of Progressive Women
 Palestine—The Women’s Center for Legal Aid and Counselling
 Jordan—The Union of Jordanian Women
 Yemen—The Cultural Development Project Planning Foundation

The headquarters of the Court shall be the Coordinator’s place of residence. Accordingly, the present headquarters shall be in Lebanon, at the headquarters of League of Lebanese Woman’s Rights.

APPENDIX 3E

Excerpts of the Penal Statutes of Canada

Sexual interference

151. Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years is guilty of an indictable offense and liable to imprisonment for a term not exceeding ten years or is guilty of an offense punishable on summary conviction.

Invitation to sexual touching

152. Every person who, for a sexual purpose, invites, counsels or incites a person under the age of fourteen years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of fourteen years, is guilty of an indictable offense and liable to imprisonment for a term not exceeding ten years or is guilty of an offense punishable on summary conviction.

Sexual exploitation

153. (1) Every person who is in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency and who:

- (a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person, or;
- (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person,

is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years or is guilty of an offense punishable on summary conviction.

- Definition of “young person”

(2) In this section, “young person” means a person fourteen years of age or more but under the age of eighteen years.

Incest

155. (1) Every one commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent or grandchild, as the case may be, has sexual intercourse with that person.

- Punishment

(2) Every one who commits incest is guilty of an indictable offense and liable to imprisonment for a term not exceeding fourteen years.

- Defense

(3) No accused shall be determined by a court to be guilty of an offense under this section if the accused was under restraint, duress or fear of the person with whom the accused had the sexual intercourse at the time the sexual intercourse occurred.

- Definition of “brother” and “sister”

(4) In this section, “brother” and “sister”, respectively, include half-brother and half-sister.

Parent or guardian procuring sexual activity

170. Every parent or guardian of a person under the age of eighteen years who procures that person for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years, if the person procured for that purpose is under the age of fourteen years, or to imprisonment for a term not exceeding two years if

the person so procured is fourteen years of age or more but under the age of eighteen years.

Householder permitting sexual activity

171. Every owner, occupier or manager of premises or other person who has control of premises or assists in the management or control of premises who knowingly permits a person under the age of eighteen years to resort to or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years, if the person in question is under the age of fourteen years, or to imprisonment for a term not exceeding two years if the person in question is fourteen years of age or more but under the age of eighteen years.

Corrupting children

172. (1) Every one who, in the home of a child, participates in adultery or sexual immorality or indulges in habitual drunkenness or any other form of vice, and thereby endangers the morals of the child or renders the home an unfit place for the child to be in, is guilty of an indictable offense and liable to imprisonment for a term not exceeding two years.

(2) [Repealed, R.S., 1985, c. 19 (3rd Supp.), s. 6]

- Definition of “child”

(3) For the purposes of this section, “child” means a person who is or appears to be under the age of eighteen years.

- Who may institute prosecutions

(4) No proceedings shall be commenced under subsection (1) without the consent of the Attorney General, unless they are instituted by or at the instance of a recognized society for the protection of children or by an officer of a juvenile court.

Procuring

212. (1) Every one who:

- (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada,
- (b) inveigles or entices a person who is not a prostitute to a common bawdy-house for the purpose of illicit sexual intercourse or prostitution,
- (c) knowingly conceals a person in a common bawdy-house,
- (d) procures or attempts to procure a person to become, whether in or out of Canada, a prostitute,
- (e) procures or attempts to procure a person to leave the usual place of abode of that person in Canada, if that place is not a common bawdy-house, with intent that the person may become an inmate or frequenter of a common bawdy-house, whether in or out of Canada,
- (f) on the arrival of a person in Canada, directs or causes that person to be directed or takes or causes that person to be taken, to a common bawdy-house,
- (g) procures a person to enter or leave Canada, for the purpose of prostitution,
- (h) for the purposes of gain, exercises control, direction or influence over the movements of a person in such manner as to show that he is aiding, abetting or compelling that person to engage in or carry on prostitution with any person or generally,
- (i) applies or administers to a person or causes that person to take any drug, intoxicating liquor, matter or thing with intent to stupefy or overpower that person in order thereby to enable any person to have illicit sexual intercourse with that person, or
- (j) lives wholly or in part on the avails of prostitution of another person,

is guilty of an indictable offense and liable imprisonment for a term not exceeding ten years.

• *Idem*

(2) Notwithstanding paragraph (1)(j), every person who lives wholly or in part on the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offense and liable to imprisonment for a term not exceeding fourteen years.

- Aggravated offense in relation to living on the avails of prostitution of a person under the age of eighteen years

(2.1) Notwithstanding paragraph (1)(j) and subsection (2), every person who lives wholly or in part on the avails of prostitution of another person under the age of eighteen years, and who:

- (a) for the purposes of profit, aids, abets, counsels or compels the person under that age to engage in or carry on prostitution with any person or generally, and
- (b) uses, threatens to use or attempts to use violence, intimidation or coercion in relation to the person under that age,

is guilty of an indictable offense and liable to imprisonment for a term not exceeding fourteen years but not less than five years.

• *Presumption*

(3) Evidence that a person lives with or is habitually in the company of a prostitute or lives in a common bawdy-house is, in the absence of evidence to the contrary, proof that the person lives on the avails of prostitution, for the purposes of paragraph (1)(j) and subsections (2) and (2.1).

- Offense in relation to prostitution of a person under the age of eighteen years

(4) Every person who, in any place, obtains or attempts to obtain, for consideration, the sexual services of a person who is under the age of eighteen years or who that person believes is under the

age of eighteen years is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years.

- **Presumption**

(5) For the purposes of subsection (4), evidence that the person from whom the sexual services were obtained or attempted to be obtained was represented to the accused as being under the age of eighteen years is, in the absence of evidence to the contrary, proof that the accused believed, at the time the offense was alleged to have been committed, that the person was under the age of eighteen years.

Assaults

- **Uttering threats**

264.1 (1) Every one commits an offense who, in any manner, knowingly utters, conveys or causes any person to receive a threat:

- (a) to cause death or bodily harm to any person;
- (b) to burn, destroy or damage real or personal property; or
- (c) to kill, poison or injure an animal or bird that is the property of any person.

- **Punishment**

(2) Every one who commits an offense under paragraph (1)(a) is guilty of:

- (a) an indictable offense and liable to imprisonment for a term not exceeding five years; or
- (b) an offense punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

- **Idem**

(3) Every one who commits an offense under paragraph (1)(b) or (c):

- (a) is guilty of an indictable offense and liable to imprisonment for a term not exceeding two years; or
- (b) is guilty of an offense punishable on summary conviction.

Assault

265. (1) A person commits an assault when:

- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

- **Application**

(2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

- **Consent**

(3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of:

- (a) the application of force to the complainant or to a person other than the complainant;
- (b) threats or fear of the application of force to the complainant or to a person other than the complainant;
- (c) fraud; or
- (d) the exercise of authority.

- **Accused's belief as to consent**

(4) Where an accused alleges that he believed that the complainant consented to the conduct that is the

subject-matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defense, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

Assault

266. Every one who commits an assault is guilty of:

- (a) an indictable offense and is liable to imprisonment for a term not exceeding five years; or
- (b) an offense punishable on summary conviction.

Assault with a weapon or causing bodily harm

267. Every one who, in committing an assault,

- (a) carries, uses or threatens to use a weapon or an imitation thereof, or
- (b) causes bodily harm to the complainant,

is guilty of an indictable offense and liable to imprisonment for a term not exceeding ten years or an offense punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Aggravated assault

268. (1) Every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

• Punishment

(2) Every one who commits an aggravated assault is guilty of an indictable offense and liable to imprisonment for a term not exceeding fourteen years.

• Excision

(3) For greater certainty, in this section, "wounds" or "maims" includes to excise, infibulate or mutilate, in whole or in part, the labia majora, labia minora or clitoris of a person, except where:

- (a) a surgical procedure is performed, by a person duly qualified by provincial law to practice medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function; or
- (b) the person is at least eighteen years of age and there is no resulting bodily harm.

• Consent

(4) For the purposes of this section and section 265, no consent to the excision, infibulation or mutilation, in whole or in part, of the labia majora, labia minora or clitoris of a person is valid, except in the cases described in paragraphs (3)(a) and (b).

Unlawfully causing bodily harm

269. Every one who unlawfully causes bodily harm to any person is guilty of:

- (a) an indictable offense and liable to imprisonment for a term not exceeding ten years; or
- (b) an offense punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

• Torture

269.1 (1) Every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person is guilty of an indictable offense and liable to imprisonment for a term not exceeding fourteen years.

- “torture” means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person:
 - (a) for a purpose including:
 - (i) obtaining from the person or from a third person information or a statement,
 - (ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and
 - (iii) intimidating or coercing the person or a third person, or
 - (b) for any reason based on discrimination of any kind,

but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions.

- No defense

(3) It is no defense to a charge under this section that the accused was ordered by a superior or a public authority to perform the act or omission that forms the subject-matter of the charge or that the act or omission is alleged to have been justified by exceptional circumstances, including a state of war, a threat of war, internal political instability or any other public emergency.

Sexual assault

271. (1) Every one who commits a sexual assault is guilty of:

- (a) an indictable offense and is liable to imprisonment for a term not exceeding ten years; or
- (b) an offense punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

(2) [Repealed, R.S., 1985, c. 19 (3rd Supp.), s. 10]

Sexual assault with a weapon, threats to a third party or causing bodily harm

272. (1) Every person commits an offense who, in committing a sexual assault,

- (a) carries, uses or threatens to use a weapon or an imitation of a weapon;
- (b) threatens to cause bodily harm to a person other than the complainant;
- (c) causes bodily harm to the complainant; or
- (d) is a party to the offense with any other person.

- Punishment

(2) Every person who commits an offense under subsection (1) is guilty of an indictable offense and liable:

- (a) where a firearm is used in the commission of the offense, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for a term not exceeding fourteen years.

Aggravated sexual assault

273. (1) Every one commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant.

(2) Every person who commits an aggravated sexual assault is guilty of an indictable offense and liable:

- (a) where a firearm is used in the commission of the offense, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.

- Meaning of “consent”

273.1 (1) Subject to subsection (2) and subsection 265(3), “consent” means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.

- Where no consent obtained

(2) No consent is obtained, for the purposes of sections 271, 272 and 273, where:

- (a) the agreement is expressed by the words or conduct of a person other than the complainant;
- (b) the complainant is incapable of consenting to the activity;
- (c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- (d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- (e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

- Subsection (2) not limiting

(3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.

- Where belief in consent not a defense

273.2 It is not a defense to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject-matter of the charge, where:

- (a) the accused’s belief arose from the accused’s:
 - (i) self-induced intoxication, or
 - (ii) recklessness or wilful blindness; or

- (b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

Corroboration not required

274. Where an accused is charged with an offense under section 151, 152, 153, 155, 159, 160, 170, 171, 172, 173, 212, 271, 272 or 273, no corroboration is required for a conviction and the judge shall not instruct the jury that it is unsafe to find the accused guilty in the absence of corroboration.

Evidence of complainant’s sexual activity

276. (1) In proceedings in respect of an offense under section 151, 152, 153, 155 or 159, subsection 160(2) or (3) or section 170, 171, 172, 173, 271, 272 or 273, evidence that the complainant has engaged in sexual activity, whether with the accused or with any other person, is not admissible to support an inference that, by reason of the sexual nature of that activity, the complainant:

- (a) is more likely to have consented to the sexual activity that forms the subject-matter of the charge; or
- (b) is less worthy of belief.

- *Idem*

(2) In proceedings in respect of an offense referred to in subsection (1), no evidence shall be adduced by or on behalf of the accused that the complainant has engaged in sexual activity other than the sexual activity that forms the subject-matter of the charge, whether with the accused or with any other person, unless the judge, provincial court judge or justice determines, in accordance with the procedures set out in sections 276.1 and 276.2, that the evidence:

- (a) is of specific instances of sexual activity;
- (b) is relevant to an issue at trial; and
- (c) has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice.

- Factors that judge must consider

(3) In determining whether evidence is admissible under subsection (2), the judge, provincial court judge or justice shall take into account:

- (a) the interests of justice, including the right of the accused to make a full answer and defense;
- (b) society's interest in encouraging the reporting of sexual assault offenses;
- (c) whether there is a reasonable prospect that the evidence will assist in arriving at a just determination in the case;
- (d) the need to remove from the fact-finding process any discriminatory belief or bias;
- (e) the risk that the evidence may unduly arouse sentiments of prejudice, sympathy or hostility in the jury;
- (f) the potential prejudice to the complainant's personal dignity and right of privacy;
- (g) the right of the complainant and of every individual to personal security and to the full protection and benefit of the law; and
- (h) any other factor that the judge, provincial court judge or justice considers relevant.

Reputation evidence

277. In proceedings in respect of an offense under section 151, 152, 153, 155 or 159, subsection 160(2) or (3) or section 170, 171, 172, 173, 271, 272 or 273, evidence of sexual reputation, whether general or specific, is not admissible for the purpose of challenging or supporting the credibility of the complainant.

Spouse may be charged

278. A husband or wife may be charged with an offense under section 271, 272 or 273 in respect of his or her spouse, whether or not the spouses were living together at the time the activity that forms the subject-matter of the charge occurred.

- Definition of "record"

278.1 For the purposes of sections 278.2 to 278.9, "record" means any form of record that contains personal information for which there is a reasonable expectation of privacy and includes, without limiting the generality of the foregoing, medical, psychiatric, therapeutic, counselling, education, employment, child welfare, adoption and social services records, personal journals and diaries, and records containing personal information the production or disclosure of which is protected by any other Act of Parliament or a provincial legislature, but does not include records made by persons responsible for the investigation or prosecution of the offense.

- Production of record to accused

278.2 (1) No record relating to a complainant or a witness shall be produced to an accused in any proceedings in respect of:

- (a) an offense under section 151, 152, 153, 155, 159, 160, 170, 171, 172, 173, 210, 211, 212, 213, 271, 272 or 273,
- (b) an offense under section 144, 145, 149, 156, 245 or 246 of the Criminal Code, chapter C-34 of the Revised Statutes of Canada, 1970, as it read immediately before January 4, 1983, or
- (c) an offense under section 146, 151, 153, 155, 157, 166 or 167 of the Criminal Code, chapter C-34 of the Revised Statutes of Canada, 1970, as it read immediately before January 1, 1988,

or in any proceedings in respect of two or more offenses that include an offense referred to in any of paragraphs (a) to (c), except in accordance with sections 278.3 to 278.91.

- Application of provisions

(2) Section 278.1, this section and sections 278.3 to 278.91 apply where a record is in the possession or

control of any person, including the prosecutor in the proceedings, unless, in the case of a record in the possession or control of the prosecutor, the complainant or witness to whom the record relates has expressly waived the application of those sections.

- Duty of prosecutor to give notice

(3) In the case of a record in respect of which this section applies that is in the possession or control of the prosecutor, the prosecutor shall notify the accused that the record is in the prosecutor's possession but, in doing so, the prosecutor shall not disclose the record's contents.

- Application for production

278.3 (1) An accused who seeks production of a record referred to in subsection 278.2(1) must make an application to the judge before whom the accused is to be, or is being, tried.

- No application in other proceedings

(2) For greater certainty, an application under subsection (1) may not be made to a judge or justice presiding at any other proceedings, including a preliminary inquiry.

- Form and content of application

(3) An application must be made in writing and set out:

- (a) particulars identifying the record that the accused seeks to have produced and the name of the person who has possession or control of the record; and
- (b) the grounds on which the accused relies to establish that the record is likely relevant to an issue at trial or to the competence of a witness to testify.

- Insufficient grounds

(4) Any one or more of the following assertions by the accused are not sufficient on their own to establish that the record is likely relevant to an issue at trial or to the competence of a witness to testify:

- (a) that the record exists;
- (b) that the record relates to medical or psychiatric treatment, therapy or counseling that the complainant or witness has received or is receiving;
- (c) that the record relates to the incident that is the subject-matter of the proceedings;
- (d) that the record may disclose a prior inconsistent statement of the complainant or witness;
- (e) that the record may relate to the credibility of the complainant or witness;
- (f) that the record may relate to the reliability of the testimony of the complainant or witness merely because the complainant or witness has received or is receiving psychiatric treatment, therapy or counselling;
- (g) that the record may reveal allegations of sexual abuse of the complainant by a person other than the accused;
- (h) that the record relates to the sexual activity of the complainant with any person, including the accused;
- (i) that the record relates to the presence or absence of a recent complaint;
- (j) that the record relates to the complainant's sexual reputation; or
- (k) that the record was made close in time to a complaint or to the activity that forms the subject-matter of the charge against the accused.

- Service of application and subpoena

(5) The accused shall serve the application on the prosecutor, on the person who has possession or control of the record, on the complainant or witness, as the case may be, and on any other person to whom, to the knowledge of the accused, the

record relates, at least seven days before the hearing referred to in subsection 278.4(1) or any shorter interval that the judge may allow in the interests of justice. The accused shall also serve a subpoena issued under Part XXII in Form 16.1 on the person who has possession or control of the record at the same time as the application is served.

- Service on other persons

(6) The judge may at any time order that the application be served on any person to whom the judge considers the record may relate.

- Hearing in camera

278.4 (1) The judge shall hold a hearing in camera to determine whether to order the person who has possession or control of the record to produce it to the court for review by the judge.

- Persons who may appear at hearing

(2) The person who has possession or control of the record, the complainant or witness, as the case may be, and any other person to whom the record relates may appear and make submissions at the hearing, but they are not compellable as witnesses at the hearing.

- Costs

(3) No order for costs may be made against a person referred to in subsection (2) in respect of their participation in the hearing.

- Judge may order production of record for review

278.5 (1) The judge may order the person who has possession or control of the record to produce the record or part of the record to the court for review by the judge if, after the hearing referred to in subsection 278.4(1), the judge is satisfied that:

- (a) the application was made in accordance with subsections 278.3(2) to (6);

- (b) the accused has established that the record is likely relevant to an issue at trial or to the competence of a witness to testify; and
- (c) the production of the record is necessary in the interests of justice.

- Factors to be considered

(2) In determining whether to order the production of the record or part of the record for review pursuant to subsection (1), the judge shall consider the salutary and deleterious effects of the determination on the accused's right to make a full answer and defense and on the right to privacy and equality of the complainant or witness, as the case may be, and any other person to whom the record relates. In particular, the judge shall take the following factors into account:

- (a) the extent to which the record is necessary for the accused to make a full answer and defense;
- (b) the probative value of the record;
- (c) the nature and extent of the reasonable expectation of privacy with respect to the record;
- (d) whether production of the record is based on a discriminatory belief or bias;
- (e) the potential prejudice to the personal dignity and right to privacy of any person to whom the record relates;
- (f) society's interest in encouraging the reporting of sexual offenses;
- (g) society's interest in encouraging the obtaining of treatment by complainants of sexual offenses; and
- (h) the effect of the determination on the integrity of the trial process.

- Review of record by judge

278.6 (1) Where the judge has ordered the production of the record or part of the record for review, the judge shall review it in the absence of the parties in order to determine whether the record or part of the record should be produced to the accused.

- Hearing in camera

(2) The judge may hold a hearing in camera if the judge considers that it will assist in making the determination.

- Provisions re hearing

(3) Subsections 278.4(2) and (3) apply in the case of a hearing under subsection (2).

- Judge may order production of record to accused

278.7 (1) Where the judge is satisfied that the record or part of the record is likely relevant to an issue at trial or to the competence of a witness to testify and its production is necessary in the interests of justice, the judge may order that the record or part of the record that is likely relevant be produced to the accused, subject to any conditions that may be imposed pursuant to subsection (3).

- Factors to be considered

(2) In determining whether to order the production of the record or part of the record to the accused, the judge shall consider the salutary and deleterious effects of the determination on the accused's right to make a full answer and defense and on the right to privacy and equality of the complainant or witness, as the case may be, and any other person to whom the record relates and, in particular, shall take the factors specified in paragraphs 278.5(2)(a) to (h) into account.

- Conditions on production

(3) Where the judge orders the production of the record or part of the record to the accused, the judge may impose conditions on the production to protect the interests of justice and, to the greatest extent possible, the privacy and equality interests of the complainant or witness, as the case may be, and any other person to whom the record relates, including, for example, the following conditions:

- (a) that the record be edited as directed by the judge;
- (b) that a copy of the record, rather than the original, be produced;
- (c) that the accused and counsel for the accused not disclose the contents of the record to any other person, except with the approval of the court;
- (d) that the record be viewed only at the offices of the court;
- (e) that no copies of the record be made or that restrictions be imposed on the number of copies of the record that may be made; and
- (f) that information regarding any person named in the record, such as their address, telephone number and place of employment, be severed from the record.

- Copy to prosecutor

(4) Where the judge orders the production of the record or part of the record to the accused, the judge shall direct that a copy of the record or part of the record be provided to the prosecutor, unless the judge determines that it is not in the interests of justice to do so.

- Record not to be used in other proceedings

(5) The record or part of the record that is produced to the accused pursuant to an order under subsection (1) shall not be used in any other proceedings.

- Retention of record by court

(6) Where the judge refuses to order the production of the record or part of the record to the accused, the record or part of the record shall, unless a court orders otherwise, be kept in a sealed package by the court until the later of the expiration of the time for any appeal and the completion of any appeal in the proceedings against the accused, whereupon the record or part of the record shall be returned to the person lawfully entitled to possession or control of it.

- Reasons for decision

278.8 (1) The judge shall provide reasons for ordering or refusing to order the production of the record or part of the record pursuant to subsection 278.5(1) or 278.7(1).

- Record of reasons

(2) The reasons referred to in subsection (1) shall be entered in the record of the proceedings or, where the proceedings are not recorded, shall be provided in writing.

- Publication prohibited

278.9 (1) No person shall publish in a newspaper, as defined in section 297, or in a broadcast, any of the following:

- (a) the contents of an application made under section 278.3;
- (b) any evidence taken, information given or submissions made at a hearing under subsection 278.4(1) or 278.6(2); or
- (c) the determination of the judge pursuant to subsection 278.5(1) or 278.7(1) and the reasons provided pursuant to section 278.8, unless the judge, after taking into account the interests of justice and the right to privacy of the person to whom the record relates, orders that the determination may be published.

- Offense

(2) Every person who contravenes subsection (1) is guilty of an offense punishable on summary conviction.

- Appeal

278.91 For the purposes of sections 675 and 676, a determination to make or refuse to make an order pursuant to subsection 278.5(1) or 278.7(1) is deemed to be a question of law.

Kidnapping, Hostage Taking and Abduction

Kidnapping

279. (1) Every person commits an offense who kidnaps a person with intent:

- (a) to cause the person to be confined or imprisoned against the person's will;
- (b) to cause the person to be unlawfully sent or transported out of Canada against the person's will; or
- (c) to hold the person for ransom or to service against the person's will.

- Punishment

(1.1) Every person who commits an offense under subsection (1) is guilty of an indictable offense and liable:

- (a) where a firearm is used in the commission of the offense, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.

Forcible confinement

(2) Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of:

- (a) an indictable offense and liable to imprisonment for a term not exceeding ten years; or
- (b) an offense punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

- Non-resistance

(3) In proceedings under this section, the fact that the person in relation to whom the offense is alleged to have been committed did not resist is not a defense unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force.

Hostage taking

279.1 (1) Every one takes a person hostage who:

- (a) confines, imprisons, forcibly seizes or detains that person, and
- (b) in any manner utters, conveys or causes any person to receive a threat that the death of, or bodily harm to, the hostage will be caused or that the confinement, imprisonment or detention of the hostage will be continued with intent to induce any person, other than the hostage, or any group of persons or any state or international or inter-governmental organization to commit or cause to be committed any act or omission as a condition, whether express or implied, of the release of the hostage.

(2) Every person who takes a person hostage is guilty of an indictable offense and liable:

- (a) where a firearm is used in the commission of the offense, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.

- **Non-resistance**

(3) Subsection 279(3) applies to proceedings under this section as if the offense under this section were an offense under section 279.

Abduction of person under sixteen

280. (1) Every one who, without lawful authority, takes or causes to be taken an unmarried person under the age of sixteen years out of the possession of and against the will of the parent or guardian of that person or of any other person who has the lawful care or charge of that person is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years.

- **Definition of “guardian”**

(2) In this section and sections 281 to 283, “guardian” includes any person who has in law or in fact the custody or control of another person.

Abduction of person under fourteen

281. Every one who, not being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, unlawfully takes, entices away, conceals, detains, receives or harbours that person with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person is guilty of an indictable offense and liable to imprisonment for a term not exceeding ten years.

Abduction in contravention of custody order

282. (1) Every one who, being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, takes, entices away, conceals, detains, receives or harbours that person, in contravention of the custody provisions of a custody order in relation to that person made by a court anywhere in Canada, with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person is guilty of:

- (a) an indictable offense and is liable to imprisonment for a term not exceeding ten years; or
- (b) an offense punishable on summary conviction.

- **Where no belief in validity of custody order**

(2) Where a count charges an offense under subsection (1) and the offense is not proven only because the accused did not believe that there was a valid custody order but the evidence does prove an offense under section 283, the accused may be convicted of an offense under section 283.

Abduction

283. (1) Every one who, being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, takes, entices away, conceals, detains, receives or harbours that person, whether or not there is a custody order in relation to that person made by a court anywhere in Canada, with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person, is guilty of:

- (a) an indictable offense and is liable to imprisonment for a term not exceeding ten years; or
- (b) an offense punishable on summary conviction.

- Consent required

(2) No proceedings may be commenced under subsection (1) without the consent of the Attorney General or counsel instructed by him for that purpose.

APPENDIX 3F

Summary of Sweden's Bill on Violence Against Women

The proposals described in this Fact Sheet are a summary of the Swedish government's Bill on legislative provisions and other measures to counteract violence against women. The Bill was submitted to Parliament in February, 1998. A decision by Parliament is expected in May 1998. The intention is for the proposed legislative changes to enter into force on 1 July 1998. The prohibition on the purchase of sexual services is however proposed to enter into force on 1 January 1999.

Sweden is by many regarded as a society in which there is a relatively high degree of equality between women and men. This goes, for instance, concerning women's representation in Government (50 percent), in Parliament (40 percent), in County Councils (48 percent) and in Municipalities (41 percent). Swedish women also have a relatively high employment rate (70 percent) and thereby good possibilities to support themselves. Both women and men have ample possibilities to combine employment with parental and household responsibilities.

In many areas, however, there is a considerable imbalance in the power relations between women and men. The most extreme example of such an

imbalance is the occurrence of men's violence against women. Despite several measures, particularly in recent years, thousands of women in Sweden are subjected to violence. Over the last decade, the number of reported assaults and various forms of sexual offenses has increased markedly. Often, these offenses are committed by a man who has a close relationship to the woman concerned (domestic violence).

Violence against women is therefore an obstacle to the ongoing development towards equality between women and men. Violence against women is also a serious social problem. To take action against this form of criminality is thus a task which has been declared by the government to be given priority in the criminal justice system.

The government's Bill for action against violence against women, deals with a number of issues and entails three essential points of departure:

- Legislation is to be further improved and made more rigorous.
- Further preventive measures are to be undertaken.

- Women victims are to be dealt with in better ways than hitherto.

In total, the government is allocating SEK 41 million for 1998 for use on a variety of measures. The proposals mean that Sweden fulfils obligations arising from the Fourth World Conference on Women, held in Beijing in 1995. The government does however not exclude that further measures may be called for:

- New and more rigorous legislation.
- Gross violation of a woman's integrity- a new offense.

A new offense is to be introduced into the Penal Code. Its purpose is to deal with repeated punishable acts directed by men against women having a close relationship with the perpetrator (gross violation of a woman's integrity), but also covers children and other closely related persons (gross violation of integrity).

In short, gross violation of a woman's integrity, means the following. If a man commits certain criminal acts (assault, unlawful threat or coercion, sexual or other molestation, sexual exploitation, etc) against a woman to whom he is or has been married or with whom he is or has been cohabiting, he shall be sentenced for gross violation of the woman's integrity, instead of for the crime that each of the acts comprise. A necessary condition for sentencing for the new offense is that the acts were part of a repeated violation of the woman's integrity and were suited to seriously damage her self-confidence. The punishment is imprisonment for at least six months and at most six years.

Thereby, the new crime makes it possible for the courts to increase the penal value of the above mentioned acts, in situations where they are part of a process which constitutes a violation of integrity, which is often the case with domestic violence. It will thus also be possible, in a better way than with present legislation, to take the entire situation of the abused woman into account. The new crime does not exclude that the perpetrator simultaneously can be indicted for, for instance, aggravated assault or rape.

The crime gross violation of a person's integrity can be used in situations equivalent to the ones above mentioned. However, under this crime falls repeated violations directed against children or other closely related persons (such as parents and siblings to the perpetrator). The punishment is the same.

- Definition of rape to be widened—The provision of rape is widened so that sexual intercourse is to include other sexual acts, if having regard to the nature of the violation and other circumstances, the act in question is comparable to forced sexual intercourse. This means that certain acts which under present legislation are defined as sexual coercion...will therefore be considered as rape.
- Neglecting to report certain sexual crimes to be made punishable—Under certain circumstances, neglecting to report or otherwise reveal gross sexual offenses (rape, gross rape, gross sexual exploitation of a minor or gross procuring) will be made punishable.
- Prohibition on the purchase of sexual services—Obtaining casual sexual services (prostitution) against payment is to be prohibited. The punishment for this offense is to be fines or imprisonment for up to six months. The attempted offense is also to be made punishable. The offense comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage-institutes, etc.

This new prohibition marks Sweden's attitude towards prostitution. Prostitution is not a desirable social phenomenon. The government considers, however, that it is not reasonable to punish the person who sells a sexual service. In the majority of cases at least, this person is a weaker partner who is exploited by those who want only to satisfy their sexual drives.

It is also important to motivate prostitutes to seek help to leave their way of life. They should not run the risk of punishment because they have been active as prostitutes.

By prohibiting the purchase of sexual services, prostitution and its damaging effects can be counteracted more effectively than hitherto. The government is however of the view that criminalization can never be more than a supplementary element in the efforts to reduce prostitution and cannot be a substitute for broader social exertions.

The government estimates that the proposal will mean increased costs for the police of the order of SEK 10 million from the beginning of 1999 when the prohibition is to enter into force.

- Social welfare legislation to be supplemented—The present social welfare legislation is to be supplemented by a new provision which will mean that local social welfare services must act to provide women, who are or have been exposed to violence or other abuse in the home, with help and support in order to change their situation.

The responsibility of the social services is made plain by this provision. In consequence, the competence and readiness of the social services to provide help and support to women who have been subject to such acts should be further developed.

The National Board of Health and Welfare is also required to draw up general guidelines for social work in the light of the new provision.

- Increased punishment for genital mutilation—The term “genital mutilation” is to replace that of “circumcision” in the law. The serious nature of the offense means that fines are to be removed from the scale of punishment. The scale is also to be made more rigorous by making imprisonment for at most four years the punishment for the normal crime instead of the present two years. For the gross form of the crime the minimum punishment is to be two years, instead of one year as at present.

Preparation, conspiracy to commit the offense, together with neglecting to report or reveal genital mutilation is also to become punishable. Furthermore, the government has announced that an extension of the area of criminal responsibility

to comprise also a person performing genital mutilation abroad, will be considered later.

- Provisions on sexual harassment in working life to be made more rigorous—In Sweden, the Equal Opportunities Act contains provisions concerning equality between women and men in working life. This Act is made up of two parts. The first part consists of provisions which makes it incumbent upon an employer to take certain active measures in order to promote equality at the work place. The employer who does not comply, runs the risk of being ordered to do so under the penalty of a fine. The other part of the Act consists of several provisions prohibiting discrimination based on sex. The Equal Opportunities Ombudsman has the task of overseeing compliance with the Act and can also bring cases of discrimination to the Labor Court.

The government now proposes that the present rules concerning sexual harassment in the Act be strengthened. Firstly, a definition, as follows, is to be inserted into the Act:

By sexual harassment is meant unwelcome behavior of a sexual nature or other unwelcome behavior based on sex, that violates the employee's integrity at work.

The Act is also to be improved so that it becomes fully evident that every employer is obliged to take active measures to prevent and hinder an employee from being exposed to sexual harassment. The employer must make clear in a general staff policy statement that sexual harassment involving employees cannot in any way be tolerated. This policy must be made known to the employees. It is equally important that routines are devised for dealing with alleged or factual sexual harassment. The employer who does not fulfil his or her obligations run the risk of having to do so under the penalty of a fine.

Furthermore, an employer who receives information that an employee has been exposed to

sexual harassment by another employee must investigate the circumstances surrounding the alleged harassment. Where necessary, the employer must take such steps as can be reasonably required to prevent continued sexual harassment. An employer who fails to fulfil these obligations shall be liable to pay damages to an injured employee. Damages shall be payable for the violation which the neglect of required measures occasioned.

Already under the present Equal Opportunities Act, an employer may not subject an employee to harassment because the latter has rejected the employers sexual advances or lodged a complaint about the employer for sex discrimination. In cases where the employer is the one sexually harassing an employee, the rules in the Penal Code concerning molestation or sexual molestation are applicable.

- A gender-neutral language in the Penal Code—In a number of the provisions on, inter alia, assault and sexual crimes of the Penal Code, the words he, his or him are used to refer to persons of both sexes. These words are to be modified in favor of expressions such as his or hers or similar. The government attaches importance to a gender neutral language as a whole in the Penal Code. Work on this question is started by overhauling the chapters referred to and continue as far as possible when the opportunity arises.
- A Law Commission on Sexual Offenses to be set up—The Law Commission, which will shortly be set up, is to undertake a complete review of the provisions on sexual offenses. A certain number of recently rendered judgments concerning rape and sexual exploitation of young women have attracted much attention. They have given rise inter alia to questions about where the boundary lies between different offenses in chapter on sexual crimes in the Penal Code.

The Commission will also be charged to examine to what extent the offense of rape should

focus on consent rather than force. The provisions on rape in relation to children will be reviewed. The Commission will furthermore be required to undertake a study of the courts' practice in the determination of punishment and of the reasoning employed about penal value where sexual offenses are concerned.

Preventive Measures:

- Common tasks to be undertaken by certain administrations—By special decision, the government charges certain administrations to undertake common tasks concerning violence against women. The aim is to give concrete expression to the administrations' responsibility and duty to take appropriate measures on issues concerning violence against women. The tasks concern the Office of the Prosecutor-General and all prosecution administrations, the National Police Board and all police administrations, the National Council for Crime Prevention, the National Prison and Probation Administration, the Crime Victims Compensation and Support Authority, the National Board of Health and Welfare, the county councils and, in certain respects, the National Courts Administration.

Each of these administrations is required to:

- increase its efforts to prevent violence against women,
- draw up an action programme or policy document for its work on this question,
- engage in mutual collaboration with other administrations and with the relevant voluntary organizations,
- follow international developments concerning violence against women, and report regularly to the government on the steps taken.

Certain administrations are furthermore charged with specific tasks. Some of these tasks are described later on in this Fact Sheet.

- Improved statistics—The government believes it necessary to improve statistics on violence against women. Current statistics, for example, contain no information on the sex of victims, only on the perpetrator of various crimes. Nor is it easy with the help of statistics to follow cases through the reporting and investigating phases and on to the courts and the prison and probation services.

The National Council for Crime Prevention is currently working on an improvement of the official crime statistics. This will, *inter alia*, make it possible to ascertain the sex of both perpetrator and victim, the age of the latter and his or her relationship with the perpetrator. The government is charging the Council to complete this work speedily.

The government is also charging the Office of the public Prosecutor to present regular reports on the number of restraining orders issued and to make suggestions as to how such statistics can be co-ordinated with statistics concerning breaches of restraining orders.

- A special research study—Official crime statistics on reported offenses can never give a complete picture of the scope of violence against women. A special research study is necessary for an assessment of the true nature of this form of criminality and the resources necessary to halt it.

Such a study, directed specifically towards investigating the occurrence of violence against women, is now to be carried out. The Crime Victims Compensation and Support Authority has received the financial means for this purpose.

- A gender perspective in criminological research—Women's studies in Sweden and other countries have contributed much to new knowledge on violence against women - its causes and consequences. Criminological and legal research is however still lacking a gender perspective.

The National Council for Crime Prevention is a governmental expert body, which works as a cen-

ter for research and development work in the field of crime prevention within the judiciary and is also responsible for the official crime statistics. The Council is now charged *inter alia* to develop research on violence against women as well as to incorporate a gender perspective in its present research and development work. This means *inter alia* that the Council must set aside resources for method development, and arrange for an increased exchange of information with the women's studies.

- An inventory of police efforts—The National Police Board is charged with making an inventory of efforts made by the police concerning violence against women and to report them to the government. The inventory shall also include an investigation into the extent to which correct and good information is provided for victims of crime.
- Electronic monitoring to be studied—The National Council for Crime Prevention is charged with making a study of the practical and technical conditions necessary for electronic monitoring of men who breach a restraining order.

The increased risk of detection which such a form of monitoring implies, can have a deterrent effect as well as providing greater security for the woman concerned. It would also mean a limitation of the freedom of movement of the perpetrator, instead of, as is often the case today, the woman bearing the responsibility of reporting the breach to the police. The setting up of such a project necessitates however having reliable technology and that the surveillance can be carried out practically.

- Development work concerning violence against women and prostitution—The National Board of Health and Welfare is charged to undertake development work on questions concerning violence against women and on prostitution.

The work will seek to facilitate the expansion of competence and improvement of methods within the social and health services. Included in this

task is the initiation and support of collaborative projects and of the dissemination of information and the following of international developments.

For the above mentioned tasks, the National Board will be allocated extra financial support for the period 1998–2000. Thereafter, the tasks are to become a part of the routine work of the National Board.

Treatment methods for men are to be surveyed and evaluated—Increased attention must be given to those men who commit acts of violence against women. The National Prison and Probation Administration is therefore charged, in consultation with the National Board for Health and Social Welfare, to survey existing methods of treatment for men sentenced for violent offenses against women. Consideration shall also be given to the need to provide more adequately for such treatment. The result of the survey should be reported at latest by 31 December 1998.

In order to ascertain what methods are suitable and effective, the government will also initiate and fund evaluation of existing methods of treatment for men who commit violent offenses against women.

In the forthcoming evaluation it will be especially important to direct attention to the available international experience. Knowledge of the causes of male violence against women which has been acquired by women studies in Sweden and other countries must obviously be taken account of in such an evaluation.

- A national rapporteur on trafficking in women—The question of trafficking in women for the purposes of their sexual exploitation, has been taken up in recent times by the European Union. A national rapporteur on this question is recommended to be appointed in all Member States, in accordance with a declaration signed jointly by the Ministers of Justice and the Ministers of Equality Affairs.

The National Police Board is charged with being the national rapporteur for Sweden. The National Police Board shall inter alia collect infor-

mation on the extent of trafficking in women in Sweden as well as between Sweden and other countries, including outside of the European Union, and consider how such trafficking can be prevented and counteracted. It shall report regularly to the government.

- Information to those seeking residence permits—Sweden has, in comparison with many other countries, far-reaching legislation on violence and aggression against those in close relationship. Thus, for example, it is forbidden for parents to physically punish their children or treat them in humiliating fashion. Rape in marriage is also forbidden and domestic violence can be indicted even if the victim has made no formal accusation.

The Immigration Board will now be charged with drawing up information material on Swedish legislation relating to violence in close relationships. This information is to be disseminated among those seeking residence permits in Sweden.

- Support for certain voluntary organizations—Men: The government considers it important to support preventive work among men. In recent years, several men's organizations have been created in Sweden for the purpose of helping and supporting men running the risk of or having committed violent crimes against women. Among these, emergency centres, run by men for men, and a Male Network against Male Violence, can be mentioned. The government will now allocate financial support to these organizations for projects with the aim to further develop ways and means, including information, to men about violence against women. The money will be allocated after considering applications from the organizations concerned.

—Youth: It is especially important to reach out to youth on questions concerning violence against women. Funding will therefore be available for projects that relate to, and are initiated by, young people and their organizations on issues related to violence against women.

—Immigrant and disabled women: Organizations working on behalf of immigrant and disabled women will also receive financial support for projects and other efforts in this field.

- Financial contribution to the United Nations—The government will allocate around SEK 2 million to the UN Centre for Human Rights and the Special Rapporteur on violence against women in order to support the ongoing work concerning the human rights of women.
- Improved ways and means of supporting women victims.
- Nationwide further training for professional groups—Women victims must in the future be better understood and supported by the professional groups with which, in various ways, they come in contact. This can be achieved if personnel receive training in matters concerning violence against women, the mechanisms behind this violence and on ways and means to prevent it and support women victims of violence.

The government is therefore charging the National Police Board, in consultation with the National Courts Administration, the Prosecutor-General and the National Board of Health and Social Welfare, to carry out a nation wide training at central, regional and local levels. The training will be financed through extra funding from the State Budget. A similar training was last carried out in 1992. Nearly 20,000 persons from the criminal justice system and the social welfare and health services took part. The aim now is to bring about a more widespread training with a larger number of participants from the police, the prosecution, the social services, etc. Training and information for judges and lay judges will also be carried out.

Further training must normally be financed as part of an administration's ordinary work. The government has announced that this should be arranged in future on a larger scale than has hitherto been the case.

- Improved professional education—Questions of gender equality and violence against women should be emphasized in the education for professions in which the professional in question come in contact with women who have been victims of gender-related violence. It is a serious shortcoming that this is not the case today.

For this reason additions will be made to the examination requirements in the regulations governing college education in respect of the following professions or in the following professional /subjects: Midwifery, child and youth pedagogics, elementary school and high school teachers, law, medicine, psychology, psychotherapy, nursing, social care, social work, dentistry and theology. The police training already today includes these issues.

The University College Administration will be required to follow up and evaluate the new regulations. During a three-year period the Administration will follow up and evaluate how the new regulations have come to influence the teaching given. It is to report annually to the government.

- The annual support for the women's shelters to be increased—There are presently 131 local women's emergency shelters in Sweden. They constitute a significant form of work to protect and help women subjected to violence and their children. The shelters are organized in two national umbrella organizations.

The available information shows that the local shelters receive about 14,000 calls a year for help from women in need. Approximately 1,500 women with their children live in the overnight apartments possessed by the shelters.

The shelters' national umbrella organizations receive an annual organizational support via the State budget. The local shelters receive funding by the municipality in which they are located, but the support varies from municipality to municipality. They can also receive State support for development work, after application.

Over and above the present financial help given, the State support to the shelters will now

increase. A further SEK 6 million will be made available to the shelters and their umbrella organizations annually.

- A crisis telephone line for women victims — The local women's shelters today offer telephone advice and support. A need for a national crisis telephone line, to further assist women in crisis situations or in some other way in need of urgent advice, support and help, has however been expressed. The telephone line should be open around the clock.

The National Board for Health and Social Welfare is therefore charged with the task to speedily study how such a central crisis telephone line for women victims of violence might be set up. The result of the study is to be reported at latest by 1 July 1998 so that implementation may be started in short.

- The National Center for battered and raped women to receive additional support—The National Center for battered and raped women was set up in 1994 on the government's initiative. The government also provided initial funding for the Center, whose activities fall under the auspices of the County Council of Uppsala, north of Stockholm. The Center is attached to the Uppsala Academic hospital. Its purpose is to provide medical examination, treatment and support to women subjected to violence. Another important task of the Center is to develop research and practical measures on ways and means with which the health and medical system receives women subjected to violence and to serve as a national resource in these matters. The Center therefore devotes efforts to document and spread information on its work methods to other regions in Sweden.

The Center's activities to develop routines and treatment methods within the medical system is decisive for enabling women subjected to violence to seek medical advice or medical treatment. Therefore the Center will receive additional extra funding for 1998. Funding of the Center's activities is otherwise a matter for the County Council.

- Previous measures to combat violence against women—Efforts to prevent and eliminate violence against women have had high priority in Sweden in recent years and various measures have been implemented to this end. They include preventive measures, stricter penalties, procedural improvements and better support for women victims of violence.

Some milestones:

- **1965**—Rape in marriage is forbidden.
- **1982**—Changes in the rules concerning prosecution for battering and rape so that prosecution no longer is dependent on an accusation being made by the person subjected to the offense. Anyone who receives information about such an offense can report it to the police, thus marking that these offenses are not a private matter between the parties involved.
- **1984**—Reformation of the sexual crimes in the Penal Code. The definition of rape is widened to comprise also oral and anal intercourse as well as intercourse between homosexuals. In addition, also men can be the victims of rape committed by a female perpetrator. It is made clear that the behavior of the victim prior to the rape is irrelevant. The provisions concerning procuring are strengthened.
- **1988**—Law on Restraining orders is introduced in the Penal code. This law has since been strengthened. The law is presently being subject to an evaluation.
 - The Injured Party's Counsel Act is introduced. Under this Act the victim of a crime of violence is entitled to free legal counsel during police investigation and trial. In 1991 and 1994 the possibilities of getting free legal aid was extended. The law is presently being subject to an evaluation.
- **1991**—Rules on sexual harassment in working life are introduced in the Equal Opportunities Act.
 - A nation wide training of personnel in the judiciary, the social services and the health

care system is launched. The training, with the purpose of increasing the knowledge on issues related to violence against women, its causes and consequences, is given to approximately 20,000 persons.

- Projects are launched for a better cooperation between the police, the social services and other relevant parties at the regional level. Every police station in Sweden is equipped with so-called alarm kits which can be given to threatened women free of charge. These kits consist, inter alia, of alarm systems for the home, mobile telephones etc.
 - The possibility for severely threatened women to receive body guards, free of charge, is introduced on a trial basis. This possibility is now permanent.
 - A Chair in sociology—in particular violence against women—is introduced at the university of Uppsala, north of Stockholm, financed via the State budget.
- **1993**—The punishment for battering, molestation, sexual molestation and unlawful threat is increased.

- **1994**—A National Center for raped and abused women is set up. The aim is to receive and treat women who are victims of abuse, rape etc. and to contribute to a better treatment of such patients within the health care system. This means that the Center is also involved in development work, in research and in training etc. The Center is available around the clock.
- **1995**—The punishment for gross sexual exploitation is increased. The definition of sexual molestation is widened.
- **1998**—The government presents a Bill to Parliament on violence against women. The Bill comprises, inter alia, new legislation, changes in existing legislation, measures for a more effective work within the police, the prosecution and the social services and increased financial support to the shelters.

This fact sheet has been produced by the Ministry of Labor in cooperation with the Ministry of Justice and the Ministry of Health and Social Affairs. More fact sheets can be ordered from the Secretariat for Information and Communication at the Ministry of Labor, Tel +46-8-405 11 55, Fax +46-8-405 12 98. Artiklnr. A98.004.

APPENDIX 4

Various Organizations That Address Violence Against Women in Selected Muslim Communities

Please note that this list is not exhaustive and reflects the contact information as given by the organizations. Many of these organizations' names do not reflect their focus on violence and/or are sections of other larger organizations. Nevertheless, each of these organizations helps women to prevent, resist, and/or cope with the consequences of violence.

REGIONAL ORGANIZATIONS

• Asia •

All Women's Action Society

11 Jalan 7/2, Jalan Bulit Menteri Selatan, 46050
Petaling Jaya
Selangor, Malaysia
F: 60-3-7573312

Asian and Pacific Development Centre—Gender and Development Programme (APDC-GAD)

Pesiaran Duta
P.O. Box 12224
50770 Kuala Lumpur, Malaysia
Tel/Fax 60-3-651-9209
Email: gad@pc.jaring.my

Asian Centre for Women's Human Rights (ASCENT)

Suite 306 MJB Building
220 Tomas Morato Avenue
Quezon City, Philippines
T: 63-2-928-4973
F: 63-2-911-0513
Telefax: 63-2-533-0452
Email: ascent@mn1.cyberspace.com.ph

**Asia Pacific Forum on Women,
Law and Development**
(Task Force on Violence Against Women)
Santitham YMCA Building
3rd Floor, Room 305-307
11 Sermsuk Rd.
Soi Mengrairasi
Chiangmai 50300, Thailand
T: 66-53-404-613-4
F: 66-53-404-615
Email: apwld@loxinfo.co.th

Association for Community Development
H-41 Sagarpara
Rajshahi, Bangladesh
Association of Women for Action and Research
(AWARE)
Tanglin P.O. Box 244
9124 Singapore

**Cambodian League for the Promotion and
Defence of Human Rights (LICADHO)**
C.P. 499
Phnom Penh, Cambodia
F: 855-23-2-6307

Cambodian Women League for Development
House #55, St 125 Sangkat Veal Vong
Khan 7, Makara
Phnom Penh, Cambodia
T: 855-23-721

Central Women's Center Diyarbakir
Alimeri 4, Sokak Atman Apt. 8/4 Yenisehir
Diyarbakir, Turkey
T: 90-412-224-2319

Cultural Academy for Peace
Kumaranasan Nagar Kadavanthara
Cochin, India
T: 91-484-374110

Forum Against Oppression of Women
29, Bhatia Bhavan
Babrekar Marg
Dadar, Bombay 400028
India
T: 91-22-422-2436
Email: admin@faow.ilbom.ernet.in
or swatija@faow.ilbom.ernet.in

Friends of Women
49 Phra-athit Road
Bangkok 10200, Thailand
T: 66-2-280-0429

Ili-Bathaluman
Block 29, Lot 5, Phase II De la Costa Homes III
Tungko, San Jose del Monte
Bulacan, Philippines

**International Women's Rights Action Watch
Asia-Pacific (IWRAP Asia-Pacific)**
2nd Floor, Block F
Anjung Felda, Jalan Maktab
5400 Kuala Lumpur, Malaysia
T: 60-3-291-3292
F: 60-3-292-9958
Email: iwraw@po.jaring.my

Isis International, Manila
PO Box 1837
Quezon City Main
Quezon City 1100, Philippines
Tel/Fax: 63-2-435-3408
Email: Isis@mn1.sequel.net

Kanlungan Centre Foundation Inc.
No. 77 K-10 corner K-J sts.
Kamias, 1102 Quezon City, Philippines
T: 63-2-928 2384
F: 63-2-921-7849
Email: kcfi@philonline.com.ph

Mongolian Centre Against Violence
P.O. Box 525
Ulaanbaatar, Mongolia

Rape Crisis Center
8 Sukhumvit Soi 12
Bangkok 10110, Thailand
T: 66-2-251-0402-3

Saathi
P.O. Box 7770
Kathmandu, Nepal
T: 977-1-411-081

Sakshi
c/o Ms. Jasjit Purewal / Ms. Naina Kapur
B-67 South Extension Part-I, First Floor
New Delhi-110049, India
T: 91-11-464-3946
or
Ms. Naina Kapur
#87 Lawyers' Chambers
Supreme Court of India
New Delhi-110001, India
T: 3782115 / 383703
F: 91-11-378-2595
Email: sakshi@unv.ernet.in

Shirkat Gah Karachi
Women Law and Status Program
F-25/A, Block 9
Clifton, Karachi - 75600
Pakistan
T: 92-21-570619, 579211, 5832754
F: 92-21-5832754, 5870287
Email: sgah@lhr.comsats.net.pk

**Simorgh Women's Resource
and Publication Centre**
P.O. Box 3328, Gulberg - II
Lahore, Pakistan
T: 92-42-575-7195

Sisters in Islam
JKR No. 851
Jalan Lapangan Terbang Lama
50460 Kuala Lumpur, Malaysia
T/F: 60-3-242-6121
Email: sis@sisfora.po.my

Stop Trafficking of Philipinas
Rm Caritas Building
2002 Jesus, Pandacan
Manila, Philippines
T: 63-2-588654

Stree Atyachar Virodhi Parishad
44 Justice Kotwal Nagar Pratap Nagar Square,
Ring Road
Nagpur
Maharashtra, India
T: 91-712-232-823

Vikalp Women's Group
3, Meera Apartments Nr. Vrindavan
Waghodia Road
Baroda
Gujarat, India
T: 91-265-463-598

Women in Need (WIN)
No. 7 Alfred House Avenue
Colombo 3, Sri Lanka

Women's Aid Organization
PO Box 493 Jalan Sultan
46760 Petaling Jaya
Selangor, Malaysia
T: 60-3-7563488, 60-3-7554426
F: 60-3-7563237
Email: wao@po.jaring.my

Women's Crisis Center
57 McAlister Road
11400 Penang Island
Malaysia
T: 60-4-365151

Women's Legal Resource Center, CDP
#12 Street 282, Boeng Keng Kangl
Phnom Penh, Cambodia

Women's Shelter
P.O. Box 7-47
Bangkok 10700, Thailand
T: 66-2-433-5149

• **The Middle East** •

Cairo Family Planning Association
50 Gomhoria Street
Cairo, Egypt

Human Rights Forum for Women's Rights
PO Box 921687
Amman, Jordan
Telefax: 962-6-859873

Jordanian Women's Union
PO Box 960723
Amman, Jordan
Fax: 962-6-687061

The Legal Research and Resource Center for Human Rights
7 Al Higaz Street, Roxi Heliopolis
Cairo, Egypt
T: 20-2-259-6622
F: 20-2-452-0977
Email: lrrc@frco.eun.eg
Web: www.geocities.com/~lrrc/

The Permanent Arab Court To Resist Violence Against Women
League of Lebanese Women's Rights
Wata Mousseitbe
Beirut, Lebanon
P.O. Box 14/5140
T/F: 961-1-817820

Sisterhood Is Global Institute—Jordan (SIGI/J)
5 Nadim Al-Mallah Street
Jebel El-Lweibdeh
Amman, Jordan
T/F: 962-6-462-3773
Email: sigi@firstnet.com.jo
Web: www.sigi.org

Women's Center for Legal Aid and Counselling
Dahyat Al-Darid intersection
Hirbawi Building, Third Floor
PO Box 54262, Jerusalem 91516
T/F: 972-2-5740172
Email: wclac@netvision.net.il

Women's Unit at the Bissan Research and Development Center
(Mrs. Jamila Dahhou)
Ramallah, Palestine

Yemeni Federation of Women's Organizations
Center for Empirical Research and Women's Studies
Sana'a University
Dr. Raufa Al-Sharqi
P.O. Box 1802
Sana'a ROY, Republic of Yemen
T: 967-2-219339
F: 967-2-219341

• **North Africa** •

Babikir Badri Association for Research on Women
Ahdaf University for Women
P.O. Box 167
Omdurman, Sudan

Tunisian Association of Democratic Women
6, Rue de Liban
Tunis, Tunisia
T: 216-1-794-131

• **Sub-Saharan Africa** •

Association of Nigerian Nurses and Nurse Midwives
66 Oduduwa Way
Gra Ikeja PO Box 3857
Ikeja, Lagos, Nigeria

Commission Internationale pour l'Abolition des Mutilations Sexuelles (CAMS)
[International Commission for the Abolition of Sexual Mutilation]
B.P. 811, Dakar, Senegal

Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC)
147 Rue de Lausanne
CH-1202, Geneva, Switzerland
(with affiliates in 17 African countries)

• **Organizations in the United States** •

NOW Legal Defense and Education Fund (NOW LDEF)
119 Constitution Avenue, NE
Washington, DC 20002
T: 202-544-4470
F: 202-546-8605
Email: nowldef@aol.com
Web: www.nowldef.org

• **International Organizations** •

Inter-governmental:

UN Division for the Advancement of Women (DAW)
12th Floor DC-2
2 United Nations Plaza
United Nations
New York, NY 10017, USA
T: 212-963-8766
F: 212-963-3463
Email: daw@undp.org
Web: www.un.org/dpcsd/daw

United Nations Development Fund for Women (UNIFEM)
304 East 45th Street, 6th Floor
New York, NY 10017, USA
T: 212-906-6400
F: 212-906-6705
Email: unifem@undp.org
Web: www.unifem.undp.org

UN Working Group on Traditional Practices
United Nations Human Rights Center
Palais des Nations
CH-1202
Geneva, Switzerland

Non-governmental:

Amnesty International USA (Headquarters)
322 8th Avenue
New York, NY 10001, USA
T: 212-633-4200
F: 212-463-9193
Web: www.amnesty.org

or
304 Pennsylvania Avenue, S.E.
Washington, D.C. 20003, USA
T: 202-544-0200
F: 202-546-7142

or
International Secretariat
1 Easton Street
London WC1X 8DJ, United Kingdom
T: 44-171-413-5500
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E-Mails:
International Secretariat:
amnestyis@amnesty.org

USA:	adminus@aiusa.org
Palestine:	amnestypal@hotmail.com
Bangladesh:	admin-bd@amnesty.org
Israel:	amnesty@netvision.net.il
Pakistan:	amnesty@cyber.net.pk
Philippines:	aimnl@phil.gn.apc.org

Center for Women's Global Leadership
Rutgers, The State University of New Jersey
61 Clifton Avenue
New Brunswick, NJ 08901-8535, USA
T: 732-932-8782
F: 732-932-1180
Email: cwgl@igc.apc.org
Web: www.rci.rutgers.edu/~cwgl/humanrights/

Equality Now

(Tina Bien-Aime, Jessica Neuwirth, Surita Sandosham)
250 West 57th Street, Suite 826
New York, New York 10019
T: 212-586-0906
F: 212-586-1611
Email: Equalitynow@igc.apc.org

The Global Alliance Against Traffic in Women

The International Coordination Office
PO Box 1281 Bangkok Post Office
Bangkok 10500, Thailand
T: 66-2-435 5565
F: 66-2-434 6774
Email: GAATW@mozart.inet.co.th
Web: www.inet.co.th/org/gaatw

Groupe Femme pour l'Abolition des Mutilations

Sexuelles (GAMS)

[Women's Group for the Abolition of Sexual Mutilation]
8 Cite Post
75011 Paris, France

Human Rights Watch

350 Fifth Avenue, 34th Floor
New York, NY 10108-3299, USA
T: 212-290-4700
F: 212-736-1300
Email: hrwnyc@hrw.org
Web: www.hrw.org

International Centre for Human Rights and Democratic Development (ICHRDD)

63, rue de Bresoles
Montreal Quebec
Canada, H2Y1V7
T: 514-283-6073
F: 514-283-3792
Email: ichrdd@ichrdd.ca
Web: www.ichrdd.ca

International Women's Tribune Centre (IWTC)

777 United Nations Plaza
New York, NY 10017, USA
T: 212-687-8633
F: 212-661-2704
Email: iwtc@igc.apc.org

ISIS Women's International Cross-Cultural Exchange (Isis-WICCE)

P.O. Box 4934 Kampala
Uganda
T: 256-41-266007/8
F: 256-41-268676
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Organisation Mondiale Contre la Torture [The World Organisation Against Torture]

Case Postale 119
37-39 Rue de Vermont
CH 1211 Geneva 20, Switzerland
T: 41-22-733-3140
F: 41-22-733-1051
Email: omct@iprolink.ch
Web: www.derechos.org/omct/

Q Web Sweden—A Women's Empowerment Base

Kvinnoforum, Kungsgatan
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War Resisters' International

Women's Working Group

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**Women's International League for Peace and
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APPENDIX 5

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Affifa Dirani Arsanios, *United Nations Development Programme, Lebanon*

Lea Browning, *Founder and Director, W.E. A.R.E. for Human Rights*

Ann Eisenberg, *Sisterhood Is Global Institute*

Felicia Ekejiuba, *United Nations Development Fund for Women (UNIFEM)*

Haleh Esfandiari, *Woodrow Wilson Center*

Nancy Flowers, *Curriculum Coordinator, Amnesty International*

Lynn Freedman, *Columbia University*

Rakhee Goyal, *Sisterhood Is Global Institute*

Leyla Gülcür, *Women for Women's Human Rights, Turkey*

Lori Heise, *Co-director, Center for Health and Gender Equity*

Courtney Howland, *George Washington University Law School*

Suzanne Jackson, *Director, Domestic Violence Clinic, Washington College of Law, American University*

Will Janssen, *Project Manager, Fund for the Global South, Mama Cash*

Mehrangiz Kar, *Lawyer and women's rights activist, Iran*

Seema Kazi, *Women Living Under Muslim Laws, India*

Asma Khader, *Lawyer and women's rights activist, Jordan*

Rudo Kwaramba, *Director, Musasa Project, Zimbabwe*

Sovaida Ma'ani, *National Spiritual Assembly of the Baha'is of the United States*

Kirsten Maas, *Heinrich Boll Foundation*

Ann Mayer, *University of Pennsylvania*

Ali Miller, *Gender, Sexuality, Health and Human Rights Program, Columbia University*

Azar Nafisi, *Visiting Scholar, Johns Hopkins University*

Sameena Nazir, *International Human Rights Law Group*
Greta Hofmann Nemiroff, *Dawson College, Canada*
Thoraya Obaid, *Deputy Executive Secretary, UN Economic and Social Commission for Western Asia, Lebanon*
Hibaaq Osman, *Executive Director, Center for Strategic Initiatives of Women*
Regan Ralph, *Director, Women's Rights Division, Human Rights Watch*
Kavita Ramdas, *President, The Global Fund for Women*
Bouthaina Shaaban, *Damascus University, Syria*

Julie Shaw, *Director, Urgent Action Fund*
Mashuda Khatun Shefali, *Executive Director, Nari Uddug Kendra, Bangladesh*
Marlyn Tadros, *Deputy Director, Legal Research and Resource Center for Human Rights, Egypt*
Marfua Tokhtakhodjaeva, *Founder and Co-director, Women's Resource Centre, Uzbekistan*
Haleh Vaziri, *Sisterhood Is Global Institute*
Sima Wali, *President, Refugee Women in Development*
Sherrill Whittington, *Senior Program Officer, Gender and Development Section, UNICEF*

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