

كسر القوالب Breaking the mold

#Breaking_The_Mold

Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: **Palestine**

The Role of Civil Society in Confronting Femicide Under the Pretext Of "Honor"

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CULTURAL BACKGROUND OF KILLING

Killing women is a phenomenon prevalent in many societies, including the Palestinian society, and until the mid-nineties of the last century, it went on quietly without provoking public reactions. Rather, there was general societal neglect, considering that any murder is a personal issue, not a societal issue. Most of the homicides were carried out under the pretext of what was so-called "family honor", which supports and pushes towards murder to regain the "family honor" that the murdered woman or girl had "profaned" (Shalhoub / Kevorkian, 2001).

Until the eighties, the issue of femicide was not discussed or even taken into consideration. The feminist movement did not pay attention to such cases or other violence issues and violations of women's rights in many fields. The attention was focused on resisting the occupation and mobilizing women to join the resistance and the National Struggle (Khreisheh, 2018). During that period, no one dared to talk about femicide; this phenomenon remained private and difficult to breakthrough. It is hard to provide information or statistics about the number of murder cases, their circumstances and the facts surrounding them. Feminist activists were frequently subjected to harassment, persecution, and even defamation through various means whenever they try raising this issue and putting it on the social research table or organizing discussion sessions for groups of women (Abu Salb, 2018).

BEGINNINGS OF BREAKING THE SOUND BARRIER

With the growth and expansion of feminist civil institutions, human rights in general and feminists in particular, and the development of their capabilities to expand their activities, it became possible to discuss the phenomenon of femicide that hides behind the idea

of defending honor within narrow women's circles and groups launched by the Women's Leadership Vanguard that derived their power from the size and strength of the feminist public frameworks and institutions, especially those associated with political and national parties and forces. In fact, the Women's mass organizations of most political parties were among the strongest and most widespread. Women played an important role in the National and Mass Struggle, especially during the first Palestinian Intifada in 1987 when the power of women was obvious in the field of confrontations with the occupation, which gave them the momentum and strength that enabled them to raise women's issues on the agendas of parties and society in general (Khreisheh, 2018).

On the cusp of the "Oslo Accords" and the Palestinian National Authority's establishment, women's organizations expanded significantly, many women's law centers and research centers were established, and some universities and educational institutes opened departments and departments specialized in women's studies. This allowed them to expand their knowledge and awareness about various women's issues. Kettana / Nazal (2018) saw that the role of the General Union of Palestinian Women, the networks of relations it had established at the regional and international levels, and the participation of Palestinian women in many international conferences specialized in women's issues such as the Beijing Conference in 1995 and others, helped feminists to draw inspiration from the experiences of the Feminist movements at the Arab and international levels in the fight for women's social issues.

This contributed to the expansion of institutions that provide legal, social, and psychological support and aid services to women subjected to violence and whose rights are violated. Women are now able to find addresses to turn to for support and attribution, especially when violence against women reaches a point where they can no longer remain silent, and in some cases, it threatens their lives. Opening communication and networking channels with some government agencies and institutions contributed to providing support for research and discussions concerning this phenomenon, and in finding appropriate intervention mechanisms to address the situations of femicide, and in some cases, it was possible to intervene before the murder took place **(Shalhoub / Kevorkian, 2001)**.

The Women's Rights Document, which emerged in the early 1990s with the participation of the leaders of the feminist movement, clearly addressed this matter when it publicly stated its rejection of femicides under any circumstance and for any reason, which indicated at the time the lifting of the secrecy and privacy surrounding this issue. The document affirmed that "women have the right to life, and they shall not be deprived of it arbitrarily or under the pretext of defending honor, and the state must protect this right and ensure its respect and unassailability" **(General Union of Palestinian Women, 2012)**.

This constituted a suitable ground for the feminist movement and human rights and societal institutions to devote their efforts, and to work in several paths to confront the murders of women, whether in terms of finding ways and means to monitor and document the killings that occur or in terms of research and study and analysis of what is monitored and documented to extract lessons and morals and the direction of action to confront it. In addition to observing the social, psychological, legal, and cultural impacts, identifying their repercussions on the individual and collective level, and organizing multi-directional advocacy campaigns to eliminate the phenomenon **(Kettana / Nazal, 2019)**.

The Women's Center for Legal Aid and Counseling was one of the institutions that paid great attention to this phenomenon, the study and research, or the start of monitoring and documenting murder cases. The first results of the interest appeared in a study conducted by the center on a group of 67 women who sought refuge in it during 1997 and 1999 to seek protection and help out of fear of getting killed. The objective was to reach results that would contribute to supporting efforts to save women and girls' lives and open the door to social accountability, especially since



murders are not a personal family issue but rather a societal issue **(Shalhoub / Kevorkian, 2001)**.

From that time until now, the Center has developed a special program to monitor and document murder cases, issue periodic documentary and analytical reports, mobilize public opinion opposing the killing, and organize advocacy campaigns to influence decision-makers to take the necessary administrative and legislative measures and procedures that contribute to the elimination of the phenomenon **(Women's Center for Legal Aid and Counseling, 2016)**. The Palestinian President issued a set of presidential decrees and decisions to amend and/or suspend some legal texts and materials in the penal and personal status laws, which reduce violence against women. According to the Penal Code, Article 340 of Law No. 16 of 1960 and Article 18 of the Mandate Criminal Code Ordinance 1936 in the Gaza Strip were repealed, and Article 98 of Law No. 16 of 1960 was amended. As for the Personal Status Law, several articles have been amended about the separation of spouses in conflict and strife, the dissolution of the marriage contract before entering "khula", the visitation and the right of guardianship in relation to custody, and polygamy. Also, circulars and decisions were issued by the Federal Shariat Court's Chief Justice regarding the relinquishment of inheritance **(the State of Palestine, 2017)**.

BACKGROUNDS AND LEGAL DIMENSIONS OF THE FEMICIDE

The various studies and research conducted on murder have contributed to uncovering the legal dimensions that facilitate murder by providing an environment that analyzes murder and protects the killer from appropriate punishment, which has been termed as the "exculpating" and "mitigating" excuses. **(Abu Salab, 2018)**.

The penal code that deals with crimes that affect the family is the Jordanian Penal Code No. 16 issued in 1960 and the Mandate Criminal Code Ordinance No. 74 issued in 1936, and the texts of these discriminatory laws contain the roots of violence against women, especially those related to femicide. This is due to the patriarchal ideology prevalent in Palestinian society. Men benefit from killing their female relatives or wives by providing the legal ground that encourages femicides and easing the perpetrators' penalties.



Adding to it a set of materials and texts embodied in these laws that reinforce the subordination and inferiority of women, such as crimes within the family and sexual assaults that generally place women in the position of blame and the accused and include many complications and difficulties in proving the occurrence of crimes of assault, with the absence of materials criminalizing marital rape and sexual harassment (Al-Ashqar, 2014).

In 2000, by the initiative of a group of feminist civil organizations, the Forums of Palestinian Non-Governmental Organization Against Domestic Violence Against Women was established aiming to confront all forms of psychological, physical, sexual, economic, political, and societal violence to which women are subjected, and it consists of 14 institutions working in the field of health, social, human rights, psychological, and economic services for women. The forum worked through studies and research that proved the seriousness of the issue and its negative impact on women and society in general. It was active in mobilizing and integrating organizations' efforts to reduce this problem and bring it out of the private sphere into the public sphere (Forum of Palestinian Non-Governmental Organization Against Domestic Violence Against Women, 2019).

METHODS AND TOOLS USED BY THE CIVIL SOCIETY TO CONFRONT THE PHENOMENON

Creating awareness-raising and educational projects and programs for women and different societal groups that change societal attitudes towards femicide, emphasizing that murder is a societal matter and not a personal issue, as well as forging relationships with clerics and urging them to play their role in clarifying the positions of religions towards murder cases (Abu Salb, 2018).

- Monitoring and documenting murder cases and publishing studies and analytical research on this issue. Starting in 1997, the center created a program to monitor and document murders of women, whereby specialized field researchers toured any area in which a woman was killed and collected testimonies and statements about the causes, circumstances, and facts of the murder, and followed up the case with official and legal authorities such as the police and the Public Prosecution, to document the course of the investigation and its results. (Women's Center for Legal Aid and Counseling, a series of reports).
- Organizing large advocacy campaigns and influencing decision-makers to enact legislation and/or amend it to remove the legal cover for killing and use the media effectively in advocacy campaigns (Seniora, 2019).
- Forming coalitions and alliances from various parts of civil society to increase influence on decision-makers, especially the Palestinian Non-Governmental Organization Against Domestic Violence Against Women, which includes 12 feminist and human rights organizations working to combat violence against women, and to contribute to reducing gender-based violence by stirring up public opinion, pressuring on decision-makers and considering violence against women a general societal issue (Miftah Foundation, 2006).
- Promoting networking and coordination between civil and governmental institutions to track and monitor the phenomenon and identify its effects and dimensions, especially since the Ministry of Women's Affairs, a governmental entity, took it upon itself to lead a national committee to develop the national strategy to combat violence against women (Ministry of Women's Affairs, National Strategy for Combating Violence Against Women for 2019 -2011, p.7)

- Pushing for the establishment of specialized homes to protect women whose lives are threatened and building administrative structures for the work and management of these homes and mechanisms for transferring them, as there are currently 4 safety houses in the West Bank and Gaza Strip, some of which are supervised by the government, while civil and human rights institutions and associations manage the rest of them (Ministry of Social Development, 2019). This mechanism contributed to reducing the number of murdered women and girls.
- Focusing on the media to play a role in educating the community about the phenomenon of femicide and its repercussions and harmful effects on the whole society by influencing the orientations of media professionals and various media outlets, whether through awareness-raising and educational sessions or capacity building for media professionals (Kettana / Nazal, 2019).

ACHIEVEMENTS

- The state established the Ministry of Women's Affairs in 2003 and worked on three main strategic axes, one of which was **reducing the percentage of violence directed against women in all its forms**. It devoted special attention to combating violence against women; thus, the National Committee on Combating Violence Against Women was formed by a decision of the Council of Ministers and to drafting a national strategy to combat violence against them so that the general framework and different roles are defined to organize the work of all parties to produce results that guarantee women their right to life and dignity (Ministry of Women's Affairs, 2019).
- The establishment of **safety and protection homes for women whose lives are threatened** with danger, and in 2004 the first safe house for women was built under the supervision of the Women's Center for Legal Aid and Counseling, followed by another house for the Family Defense Center, and then the Mehwar Center of the Ministry of Social Development. During this period, regulations and protocols were developed to manage these homes and centers (Women's Center for Legal Aid and Counseling, 2016).
- Dozens or hundreds of women were protected from getting killed **thanks to "safety houses"**. During 2017, the Women's Center transferred about 24 women and girls whose lives were at risk to reside in the center's safe house (Women's Center for Legal Aid and Counseling, 2018). As for the Ministry of Social Development's specialized directorates, during 2015, they transferred 61 women and girls to the safe house for the necessity of protecting their lives. In 2016, about 40 women and girls were transferred to the safe house "axis" (Ministry of Social Development, Annual Statistical Reports for the years -2015 2016).
- As a result of the campaign's influence, the Palestinian President issued several laws to amend and / or suspend some legal texts and materials that constituted a "legal cover" for femicide.
- The Palestinian National Authority responded to civil society's directions, and in 2008 it established a special unit in the Civil Police to follow up all cases related to violence against women and children. It was called the **"Police Family Protection Unit"**. A similar unit specializing in gender-related violence cases was established in the Attorney General's office in 2016 (Seniora, 2019).

- In 2005, the Palestinian Central Bureau of Statistics carried out a survey on domestic violence, with the aim of providing data and indicators on the types and acts of violence that women, children, unmarried girls, and the elderly are exposed to, and a survey of battered women's destinations (**Palestinian Central Bureau of Statistics, 2006**). The second survey was carried out in 2011 under the leadership of a technical committee from the institution and a national committee consisting of 17 governmental institutions and non-governmental organizations, and many international institutions and United Nations agencies (**Palestinian Central Bureau of Statistics, 2012**).

CONCLUSION AND LESSONS LEARNED

- Civil society has not yet been able to permanently eliminate the phenomenon of femicide in Palestinian society, as the Women's Center for Legal Aid and Counseling monitored the killing of 76 women and girls during the period between 2016 and 2018. There are still differences in the definition of the concept of "femicide" and murder under the pretext of what is so-called "honor" (**Women's Center for Legal Aid and Counseling, 2019**). The Palestinian Police Force indicated that the phenomenon of killing women under the pretext of "honor" is "vanishing", and the police report in 2018 monitored the killing of 4 women¹, while the Women Center for Legal Aid and Counseling noted the killing of 24 women and girls during the same year, which is mainly due to differences in the definition of the concept of murder (**Women Center for Legal Aid and Counseling, 2019**).

The complete elimination of the phenomenon requires action at the strategic level of all societal bodies to change the culture that permits this killing. Over the past years, civil society has succeeded in scoring several achievements. As for the most prominent lessons and conclusions from this issue, they are:

- Following a systematic approach in monitoring and documenting the phenomenon and conducting studies and research to reveal its negative effects on society in the economic and societal aspects, which paved the way for the success of civil society in shedding light on femicide, opening a community discussion about it, and transforming it from a personal family issue that is not allowed to be interfered with or discussed, according to traditional culture, to a general societal issue that concerns society and its various institutions. (**Khreisheh, 2018**).
- Influencing to change some of the legal foundations that formed the basis for the continuation of the phenomenon of femicide and making many administrative changes to create units and departments in the authority's apparatus and its executive and judicial institutions.

The distribution of responsibilities and the division of roles according to the different specializations, thus contributing to building an integrated mechanism in the work and to gain achievements, as a kind of division of work and roles developed between the various formal and informal institutions according to the experience, work practice and the societal role of each institution.



¹ Website of the Palestinian Police, website: <http://www.palpolice.ps/ar/content/726796.html>

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BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

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