



ASHGATE



**Violence and Gender in
the Globalized World**
The Intimate and the Extimate

2nd Edition

EDITED BY
Sanja Bahun
and **V.G. Julie Rajan**

GLOBAL CONNECTIONS

Violence and Gender in the Globalized World

The Intimate and the Extimate

2nd Edition

Edited by

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University of Essex, UK

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Contents

<i>List of Figures</i>	<i>vii</i>
<i>Notes on Contributors</i>	<i>ix</i>
<i>Foreword by Charlotte Bunch</i>	<i>xiii</i>
<i>Acknowledgements</i>	<i>xix</i>
Introduction On Violence, Gender, and Global Connections (Again) <i>Sanja Bahun and V.G. Julie Rajan</i>	1
PART I REVEALING THE GAPS	
1 Indigenous Women's Anti-Violence Strategies <i>Yifat Susskind</i>	13
2 Going beyond the Universal-versus-Relativist Rights Discourse and Practice: The Case of Malaysia <i>Sharon A. Bong</i>	27
3 Women, Violence, and the Islamic State: Resurrecting the Caliphate through Femicide in Iraq and Syria <i>V.G. Julie Rajan</i>	45
PART II ENCLOSURES AND EXPOSURES	
4 People behind Walls, Women behind Walls: Reading Violence against Women in Palestine <i>Rose Shomali Musleh</i>	93
5 Algerian Adolescents Caught in the Crossfire <i>Meredeth Turshen</i>	109
6 The After-War War of Genders: Misogyny, Feminist Ghettoization, and the Discourse of Responsibility in Post-Yugoslav Societies <i>Svetlana Slapšak</i>	127

- 7 A Call for a Nuanced Constitutional Jurisprudence: South Africa, *Ubuntu*, Dignity, and Reconciliation 145
Drucilla Cornell, in collaboration with Karin Van Marle

PART III BORDERED SUBJECTIVITIES, GLOBAL CONNECTIONS

- 8 Building Accountability for Gender-based Violence: International Human Rights Litigation in U.S. Courts 163
Jennifer M. Green
- 9 The Traffic in “Trafficked Filipinas”: Sexual Harm, Violence, and Victims’ Voices 187
Sealing Cheng
- 10 Victims, Villains, Saviors: On the Discursive Constructions of Trafficking in Women 205
Loretta Ihme
- 11 She-hadis? Online Radicalization and the Recruitment of Women 225
Mia M. Bloom

PART IV AESTHETIC AND GENDERED TRANSFORMATIONS

- 12 Over Her Dead Body: Talking About Violence against Women in Recent Chicana Writing 255
Deborah L. Madsen
- 13 Theater as a Crusade against Gender Violence: The Case of V-Day (Revisited) 271
Marta Fernández-Morales
- Index* 291

List of Figures

- 5.1 *La mixité* at a rebuilt primary school in Haï Raïs that Islamists had destroyed in 1997 122

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Foreword

Feminist Quandaries on Gender and Violence: Agency, Universality, and Human Security

Charlotte Bunch

The chapters in this book, *Violence and Gender in the Globalized World: The Intimate and the Extimate*, reflect both the incredible progress in and the enormous challenges to addressing gender-based violence in the world today. These discussions of gender and violence illuminate the complexities of some of the key debates and dilemmas in feminist theory—the relationship between the universal and the particular, and between women’s agency and victimization. And the silences point to areas where more work is needed, such as a feminist approach to global and human security.

The issue of gender-based violence demonstrates the importance of both women’s agency and the extent of their victimization historically. Women activists have placed violence against women squarely on the local, national, and global agendas of governments and civil society over the past four decades. This illustrates women’s power to describe and name our realities as the basis of changing how those are perceived. But this work has also been done in an area where women are seriously victimized, tortured, terrorized, enslaved, and killed. Thus addressing gender and violence requires moving beyond the dualism of seeing women as either victims or agents to understanding the dynamic tension between both these dimensions of women’s lives.

In looking at the complex interactions between violence and gender explicated in this volume, it is important to remember that thinking of violence against women and of gender-based violence as categories that include many different forms of violence is relatively new. Different specific types of violence that women suffer have, of course, been addressed in the past; however, as a broad issue reflecting male–female power dynamics and gender constructions that should be altered across the globe, this is a new approach resulting from the international interaction made possible by global networking among feminists since the 1970s.

Perceiving gender-based violence as something that women have in common, even though the forms vary, has made it possible to elevate attention to this issue at the global level in terms of visibility, laws, justice, and human rights. Women activists from all parts of the globe have brought gender-based violence from the grass roots to the global agenda utilizing the UN World Women’s Conferences (1975–1995) and the Decade for Women (1975–1985), which brought donor dollars to women’s rights for the first time through development planning. Understanding such violence

as a human rights violation that was the responsibility of states and the international community to punish and prevent only came in the 1990s with women's global organizing. The World Conference on Human Rights in Vienna in 1993 became the milestone of recognition of violence against women as a human rights issue. The UN Declaration on Violence against Women and the creation of the post of UN Special Rapporteur on Violence against Women, Its Causes and Consequences, that followed soon after, were essential building blocks in this understanding. In the short span of 15 years, the standard setting and development of international norms on gender-based violence has been nothing short of remarkable, including among others the integration of gender into the UN Human Rights bodies on torture, the recognition of rape as a tool of war and the definition of gender-based persecution incorporated into the statutes of the International Criminal Court.

There has been a steady growth in the integration of a gender perspective into much human rights work, and in the use of International Human Rights law and instruments by women's groups globally. National laws in some 90 countries now address domestic violence specifically, and many spell out other specific forms of violence as well. The UN Secretary General's Study on violence against women in 2006 and the World Health Organization's multi-country study on women's health and interpersonal violence in 2005 illustrate how far this issue has moved globally. These studies establish standards on what data is needed and the state's responsibility for this issue.

Why does this history matter? Because a volume like this would not have been possible without it. And this volume, by explicating some of the challenges and complexity of looking at gender and violence, contributes to the next critical stage of working toward implementing these universal norms and standards that call for an end to gender-based violence.

Challenges

While the international recognition of gender-based violence and the evolution of human rights standards to address it have expanded rapidly in the past two decades, there is, nevertheless, no discernable decline in the occurrence of such violence or women's insecurity resulting from it. The greatest challenge therefore is the persistence, multiplicity, and ever-growing number of forms of such violence in daily life. As the 2006 UN Secretary General's study on violence against women reveals, governments are failing their responsibility and due diligence to address this issue. There is a serious lack of real resources or political will committed to this issue—including a lack of services, of justice system mechanisms, and of attention to data to measure effectively the problem or the impact of practices that seek to diminish it.¹

1 United Nations, "In-Depth Study on All Forms of Violence against Women: Report of the Secretary General" (October 9, 2006). <<http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>>.

The UN calls for an end to impunity for violence against women in the formal legal system, and this is crucial. But impunity is also about the informal sectors of family and community—the culture of impunity for gender-based violence is almost universal. Most perpetrators everywhere expect and count upon “getting away with it”—not only legally, but especially in the eyes of the community. Violence thus persists because of cultural acceptance and fears of confronting perpetrators. Most cultures still tolerate violence against women in both contemporary as well as traditional forms. Cultural violence is not some marginalized, exotic “cultural practice” that takes place somewhere else. It is the culturally embedded practice and assumption of domination over women in virtually all societies, and the general acceptance of violence as a means of maintaining that control, even of defending one’s masculinity. Rather than label some practices as “cultural and traditional” forms of violence, we need to understand that all violence against women is supported by cultural attitudes, at least as long as the culture—one’s family, community, friends, colleagues, and religion—generally accepts it. This is the real cultural challenge of violence against women. Consequently, myths about culture and human rights also need challenging—all human rights work involves changing culture and must be shaped by the specificities of each culture to be effective in doing so. Thus, respect for and attention to diversity and the universality of human rights are not opposites, but two parts of a dynamic that must be made mutually reinforcing in their claims.

To understand gender and violence also requires understanding the dynamic relationship between universality and diversity. Violence against women is one of the most common experiences of women, but it can only be understood and combated by seeing it in all its diversity. Violence is always particular in that it is shaped by the intersection of race, ethnicity, class, sexual orientation, age, physical ability, culture, or other factors with gender in any given time and place. Thus, the naming of various forms of violence and their different convergences with gender and other factors is crucial to making broad claims about violence truly universal in their application to all, as well as to shaping varying strategies to end it in differing contexts. The chapters in *Violence and Gender in the Globalized World: The Intimate and the Extimate* provide grounding for this work.² Their impetus is close to one important strategy in work on gender-based violence over the past few years: to describe violence against women in the context of other global forces that are obstacles to women’s security and development, such as the rise of religious

2 Another creative example is the Companion Report “*Mairin Iwanka Raya: Indigenous Women Stand against Violence*,” issued by FIMI (*Foro Internacional de Mujeres Indigenas*), an international indigenous women’s network, on the occasion of the UN Secretary General’s study. The Companion Report outlines the particular ways in which indigenous women experience various forms of violence. See *Foro Internacional de Mujeres Indigenas*, “*Mairin Iwanka Raya: Indigenous Women Stand against Violence*” (2006) <<http://www.indigenouswomensforum.org/vaiwreport06.pdf>> and Yifat Susskind’s chapter in this volume.

fundamentalisms, the inequity of resources resulting from globalization, poverty, and HIV/AIDS. This strategy seeks to position work on violence, not in isolation, but as part of other programs and policies. For example, HIV/AIDS programming requires an understanding of questions about gender-based violence that need to be asked in local health clinics and a sensitive approach to implications and dangers of violence against women in disclosure policies for AIDS testing, and similar activities.

An area that needs more global attention, however, is the link between gender-based violence and human security. The concept of human security provides an alternative framework to traditional concepts of national security and it approaches security in an integrated way; it views peace, security, equality, human rights, and development as interrelated. This broad framework puts an emphasis on both protection and empowerment, seeing victimization and agency as two parts of reality, each of which needs to be addressed—often simultaneously. Looking at definitions of human security, one can find no better paradigm for human insecurity than violence against women, which directly and indirectly affects a vast number of people. The UN Human Security Commission report, for example, emphasizes that “violence unseats people’s security.”³ If you add the fear of violence and lack of control over sex to many women’s inability to control when they will become pregnant, you have a very solid core of human insecurity surrounding issues of women’s bodies.

Furthermore, it needs to be understood that violence against women is not only an important human security issue in its own right, but also that it is connected to the perpetuation of other forms of domination and insecurity in the world. The way that violence against women in the family is normalized is a key component to creating a culture that accepts the violence of war, militarism, and other forms of domination and conflict. Not only is violence against women exacerbated by war and conflict, but also that violence is part of what perpetuates war and conflict; it feeds acceptance of violence as an inevitable and normal means of dealing with differences.

The climate of impunity for violence against women that persists in most societies feeds the culture of impunity towards violence more generally. Such a culture is reflected in many of the problems addressed by the international community—men demanding sex for food in refugee camps, for example, which has implicated men of all cultures. It also reinforces at the gut level that violence wins and domination succeeds, whether at home or in wars. A disturbing sign of this cultural prevalence in the U.S. is the growing number of girls involved in violent acts because they read society’s message that to be empowered and avoid being victims, they must be violent. Addressing violence at the heart of society, in our families and daily life, is a critical part of laying out the conditions for human security for all—an alternative to the nationalist, military-based security that is

3 Commission on Human Security, “Human Security Now” (2003), 6; <<http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf>>.

fueling so many conflicts and problems in the world today. This book adds to the knowledge needed to advance this urgent work.

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PART II

Enclosures and Exposures

Fashioning a healthy mixture of activist and scholarly accounts, this section contains a series of revelatory “exposures” of diverse manifestations of gender violence (physical, representational, situational, and others) in the contexts of violent conflict and its aftermath. The authors pay specific attention to the possibilities of local and global redressing of these issues.

In the opening chapter, Rose Shomali Musleh, General Director of the Women’s Affairs Technical Committee, Palestine, reflects on the multiple tasks of the Palestinian women’s movement in the socio-political, legal, economic, and human rights context of Palestine today. Shomali highlights the issues that immediately affect and complicate Palestinian women’s rights: Israeli surveillance and control mechanisms in the West Bank; variables of legislation; and exterior and interior political dynamics. The effects of conflict on everyday lives and gender relations are also the topic of Meredith Turshen’s chapter, where she examines the hybrid experiences of Algerian adolescents in their positions as both victims and perpetrators of violence in the Algerian civil war. Her penetrating analysis of Algerian society during the civil war and its aftermath discloses how the rebel GIA army’s employment of or appeal to male adolescents shifted gender relations between Algerian men and women, politically as well as domestically. The activist, dissident, and scholar Svetlana Slapšak moves beyond the traditional considerations of conflict-related crimes to probe the discursive incarceration of women (by men and women alike) and the ways in which hegemonic concerns of conflict situations can mitigate the representation of feminism in a nation. Slapšak’s text likens the rapid increase in misogynist discourse during the conflict in the former Yugoslavia to a *post-festum* reluctance to take responsibility for war crimes. Finally, the relevance of Drucilla Cornell’s assessment of the legislative determinants of post-apartheid society in South Africa to exploring violence and gender is revealed indirectly. Basing her insights on her activist and theoretical work on the *Ubuntu* project, Cornell argues that the traditional, community-oriented *Ubuntu* law, even though rooted in patriarchal systems of thought and practice, holds potential for a new, indigenous constitutional legislation in South Africa. According to Cornell, an *Ubuntu*-informed legislation may influence the status and experience of both men and women in South Africa, but may also generate a wider corrective to the Western philosophy of jurisprudence and offer responses to local and global questions of dignity and reconciliation.

Chapter 4

People behind Walls, Women behind Walls: Reading Violence against Women in Palestine

Rose Shomali Musleh

This chapter presents an account of the efforts by the Palestinian women's movement to advocate for greater sensitivity to gender differences in new civil legislation, particularly laws that affect women's lives, such as the penal code and the family law.¹ It also deals with the effects of the barriers erected within the region and the fragmentation of the land by Israeli policies, and how women have coped with both. After introducing the background and the current socio-political, legal, economic, and human rights contexts of Palestinians, this analysis will address the constant violation of Palestinian women's human rights; this violation is contingent upon the Israeli occupation, but is also a by-product of the divergent legal contexts in various areas where Palestinian women live, in particular of the non-existence of a coherent family law that can be unequivocally applied to all Palestinian women regardless of their religion or sect.

Historical Overview and the Role of the Women's Movement in Building the State

The fact that the Palestinian women's movement today is by necessity deeply linked to the political context of Palestine gives it a different nature than that of many other women's movements in the world. This is not surprising: the existential struggle in which the Palestinian people have been engaged over the past century has shaped the character of the women's movement in Palestine.

As early as 1921, Palestinian women participated in the struggle for independence against the British Mandate and, afterwards, the Zionist colonization. The events leading up to 1948 and the official establishment of the state of Israel left a lasting impact on all Palestinians, especially on rural women who bore the brunt of displacement from their villages and carried the tremendous burdens

¹ The Author and the Editors would like to thank Barbara Louton, Programme Advisor, The Women's Affairs Technical Committee, Palestine, for her work on the early drafts of this chapter and her help with the gathering and organization of the material for the chapter.

and responsibilities of their suddenly uprooted families. The expulsion of more than 750,000 Palestinians from their homes into exile in 1948, an event called the “*nakba*” (disaster), changed the methods of building the national women’s movement and influenced the national struggle.² Women began to reorganize themselves by prioritizing the development of practical programs to address the urgent needs of refugees. The women’s movement has been markedly influenced by one additional event, the division of Palestine into three areas: Israel, the West Bank, and the Gaza Strip. Palestinians who remained in the West Bank and Gaza Strip have been subject to three different legal and political systems: Israeli, Jordanian, and Egyptian. The 1967 war, which resulted in the Israeli occupation of the West Bank and Gaza Strip, displaced another 430,000 Palestinians, some internally and most externally to Jordan.³ During this period, women were active in defending their homeland: they participated in demonstrations, strikes, and some military operations. Some women were arrested by the Israeli government as early as 1968, and others were deported. While the novelty of women participating in guerilla operations won them attention, the majority of Palestinian women activists, especially those affiliated with political parties or the General Union of Palestinian Women (GUPW), were engaged in community work. Volunteerism and popular education were given high value in the new atmosphere of national pride. In 1987, Palestine again attracted the attention of the world with the Intifada (uprising) against Israeli domination. This first Intifada resurrected a spirit of collective power, which also spurred rapid development in the women’s movement. To consolidate the gains which women had made and to make sure that women were not marginalized from prominent leadership roles they had played prior to the Intifada, sixteen Palestinian women activists met at the Orient House in Jerusalem in November 1991. They demanded the establishment of a technical committee for women’s affairs that would fill the gender gap in the peace negotiations.⁴ In this way, the Women’s Affairs Technical Committee (WATC) was established.

With the establishment of the Palestinian National Authority (PA) in 1994, many negotiating teams were institutionalized as ministries, but it was not the case with the WATC. In the absence of a ministry of women capable of defending women’s rights, the WATC saw the importance of having a unified body which would defend the interests of women, ensuring that their rights are taken into account in the draft laws being prepared and that women become partners in nation-building and decision making as they had been in the struggle for independence.

2 The UN and the Badil Resource Center estimates the number of refugees between 750,000 and 900,000 during the period 1947–1949. See *Survey of Palestinian Refugees and Internally Displaced Persons* (Jerusalem: Badil Resource Center, 2005), 15.

3 *Ibid.*, 21.

4 This demand followed the establishment of several technical committees to assist the Palestinian negotiating team in 1991, which included hundreds of Palestinian men and only a few women (Siham Barghouthi, a founder of WATC, interview by the author, September 27, 2007; WATC Annual Report, 1996, 1).

Legislative Battles

In December 1994, Palestinian women activists joined together in Jerusalem to draft a Women's Bill of Rights based on human rights laws, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Palestinian Declaration of Independence, to demand equal civil, political, social, and economic rights for women. The document demanded, among other things, that the principles of women's legal status be incorporated into the Constitution and the legislation of the future Palestinian state, and that all forms of discrimination and inequality against women be abolished.⁵

Their demands were complicated by the legal framework governing Palestinians at the time. The PA inherited a complicated legal system where Jordanian laws governed the West Bank and Egyptian laws governed the Gaza Strip. The Personal Status Law applied in Gaza dates back to the Ottoman Empire; used during the British mandate, the law was amended during the Egyptian administration of Gaza, on February 26, 1954, and was termed the Law of Family Rights.⁶ As Egypt used to follow mainly the Sahfi'i school, Gaza followed the same. In the West Bank, however, the Jordanian Personal Law number 61 was employed. Based on the Hanafi school, the law was amended on December 1, 1976, and was called the Jordanian Law of Family Rights.⁷ Per the decree of President Yaser Arafat issued in Tunisia on May 20, 1994, these two laws were to be used simultaneously until they could be unified.

Many laws were unified in the PA, but, generally, the results were not gender sensitive. The Law of Family Rights in the West Bank and that of Gaza are still not unified, which splits the collective social agency of Palestinian women in those spaces. According to the Law of Family Rights effective in Gaza, the marital age for females should be established by the patriarchal criterion of women's "physical readiness" for marriage, which is considered 9 years of age. In the West Bank, the marital age is, instead, based on (again patriarchal) category of women's "mental readiness," which is set at 17 years of age. In light of that discrepancy, it is not surprising that the first organized demonstration led by the WATC in 1996 protested against the ignoring of the principle of equality, and demanded that all items that considered or implied women to be inferior be cancelled. Men demonstrated along with women by carrying banners in major Palestinian cities stating: "You will not take us back to the age of Hareem."⁸ As the demonstrations coincided with the

5 "The Jerusalem Declaration: Principles of Women's Rights." Unpublished document. Jerusalem, 1994.

6 Hasan Ali Aljojo, "The Personal Status Law between Fundamentalism and Modernism," *Al Ayyam Newspaper*, March 16, 1998.

7 Although the West Bank was already under the Israeli occupation, the religious Islamic court continued to follow the Jordanian government.

8 Originally referring to the women owned by a sultan, the term "*hareem*" is now used to describe the relationship and the space of this relationship in the family where all women who live in one house are protected and controlled by a single man.

first-ever Palestinian elections, the demonstrators called for a quota of 30% of the seats to be reserved for women in the legislative council. Live radio debates concerning women's issues followed, along with petitioning and much discussion in the media, and some of the candidates running for the Palestinian Legislative Council (PLC) made promises to stand by women's equal rights. After five months of intensive advocacy work, from November 25, 1995, until March 2, 1996, the Ministry of Interior announced in an official letter that men and women over the age of 18 years would not need the permission of their guardians to obtain passports, and that applied to both single and married women.⁹ This was one of the first achievements of the WATC advocacy work in the field of legislation. Other achievements allowed women to: take driving lessons without bringing along a male chaperone; open bank accounts for their children; and obtain Palestinian passports in their maiden names.¹⁰ Finally, in 1996, representatives of the WATC, the GUPW, Women's Center for Legal Aid and Counseling (WCLC), and other women organizations, asked President Yaser Arafat to issue a decree that would raise the marriage age in Gaza. Accordingly, the age of marriage in Gaza was raised to 14.5 years, a compromise between the Shafi'i and the Hanafi schools.¹¹

Another obstacle that hinders reaching a unified personal status law is the fact that the *Shari'a* religious law is applied to Muslims, who are the majority in Palestine, while Christians and Samaritans follow their own religious laws and courts.¹² Accordingly, each religious group has its own communal set of laws that govern and organize their familial relationships, such as marriage, divorce, custody, and inheritance. Among the Christian population, the Greek Orthodox follow the Byzantine law, the Latin Catholics adhere to the Roman law, and other communities such as the Armenian Orthodox and the Protestants have their own courts. The Samaritans have their own system based on their own Bible.¹³ A study of the marital age in each religious group exemplifies how different laws are applied differently. The Greek Orthodox consider the marital age 14 years for males and 12 years for females, while marital age for the Samaritans for men and women is 17 and 15 years, respectively.¹⁴ The differences in religious laws and courts lead to various problems in the cases of intermarriages. According to the *Shari'a*, a Christian woman is allowed to get married to a Muslim without changing her religion, but she loses her rights in inheritance and custody in

9 WATC Annual Report, 1996, 2.

10 The last advancement was not effectuated due to Israeli requirements not to change the name registered in the Israeli records. WATC Annual Report 1996, 2 and 7.

11 Haleema Abu Soulb, a lawyer at WCLC, interview by the author, Ramallah, September 10, 2007.

12 Sana' Aranki, "A Review of Samaritan Religious Law from a Gender Perspective," unpublished document, WATC, 2004, 3.

13 Samaritans are remnants of an old Palestinian sect that call themselves the real Israel and live in Nablus in the West Bank. They were represented by one seat in the first Palestinian Legislative Council.

14 Aranki, *op. cit.*, 15.

cases of divorce and death of the spouse. To marry a Muslim woman, a Christian man must convert to Islam. A Samaritan woman is not allowed to marry outside of her community (even a Samaritan man), whereas a Samaritan man can marry Samaritans outside of his community provided the priest approves. While all other laws are civil, the family law is still based on various religious interpretations. This situation hinders not only the legislation and implementation of a unified Palestinian family law, but also the passing of related laws.

In 1997, the WCLC, a member of the WATC, came up with a daring initiative known as “The Model Parliament,” where modifications and amendments of laws were proposed in public meetings held in several towns in the West Bank and Gaza between August 1, 1997, and March 30, 1998. Eighty-eight men and women, equally represented, were invited to hold public debates about existing laws, especially the family law. This led to a good deal of public debate and media attention. A number of mosques were mobilized to attack those in charge of the Model Parliament.¹⁵ One religious leader, Sheikh Hamed Al Bitawi, accused “secular” centers of being instruments of the West mobilized to sabotage “good Palestinian culture and traditions.” The women leaders in particular were accused of being anti-Islamic and Westernized.¹⁶ Islamic leaders claimed that “these women want to marry four husbands.”¹⁷ In the meantime, the WATC contacted all political parties to gain their support for the initiative. Most leftist political parties voiced their support for “women’s right to freedom of expression,” and one party voiced its full support. However, the biggest political Party (Fateh) did not take a clear stand, although there were some strong supporters of the Model Parliament among its young legislative council members.¹⁸

A few weeks after the meetings of the Model Parliament concluded, President Arafat formed a committee of male religious leaders and one woman from the Islamic Al-Khalas Party, to draft an amendment to the Palestinian family law based upon Islamic *Shari’a* with the age of marriage as 18 years for all.¹⁹ This committee drafted a proposed family law and went through its first reading; however, the law is still in draft form and it has never been approved. Chief Judge Tayseer Al Tamimi prepared another draft with amendments such as rising the marital age

15 Ali Khalaf, “In a Panel Discussion in Abdal Nasir Mosque in Al Bira City, Jarrar Warns about the Model Parliament Danger,” *Al Hayat al Jadeeda* (28 April 1998), 3.

16 Mustafa Ali Sabri Al Bitawi, “The Parliament Is a Conspiracy against Islam,” *Alrisaleh Newspaper* 44 (March 5, 1998), 5.

17 In Islam, men can marry up to four women at the same time, with conditions.

18 There are lessons to be learned from the experience of the Model Parliament. For example, such an initiative should never be the task of one or more independent organizations but, rather, of the whole women’s movement and should be undertaken only when the full support of society has been gained. In this particular case, it would have been prescient if the whole initiative had started from a reformation of religious laws and had concluded with a call for a unified, gender-sensitive Palestinian law for women, raising issues such as the marital age, domestic violence, divorce, and custody one at a time.

19 Abu Soulb, op.cit.

or placing conditions on marrying more than one woman, to be presented to the PLC. The draft was attacked by the right wing in the Islamic movement and it has not been presented for discussion at the PLC. The women's movement considers this document a transitional step. A lot of advocacy is still needed towards this strategic goal, a unified civil family law.

A similar dynamics applies to the penal code. The draft penal code used in the West Bank is still the old Jordanian Penal Code number 16 issued in 1960; in Gaza, the British mandate law number 74 for the year 1936 is still being used. It is worth mentioning that the Jordanian and the Egyptian penal codes were both amended in 2002 to consider honor killing as a crime; however, in Palestine, the old versions are still in use. The Penal Code was reviewed by the Palestinian women's movement and discussed at the level of the civil society where items of discrimination were identified and alternative items that are gender-sensitive were provided with justification for each change. The document of the Penal Code was submitted to the PLC as a document of civil society in April 2003; however, it was shelved and it has become invalid. Since the current application does not entail the prevention of violence against women, the number of "honor killing" cases has increased.²⁰ For instance, Article 340 with its two items provides a lesser sentence to a father, brother, son, husband, or other relatives guilty of this crime. Also, Article 62 of the same law gives parents the right to beat their children as per the norm. This norm's excuse provides the legal justification for killing, because any parent can commit a crime with impunity per this law. Two cases show the unfairness which women suffer due to this law. A young girl (16 years old) from Abu Qash near Ramallah was killed by her mother after she gave birth to a baby, despite the fact that she had been raped by her two brothers (19 and 21, respectively); the brothers were sentenced for less than 5 years. The second case is from Ramallah where a girl was killed by her father because somebody from another religion proposed marriage to her. In the two cases, the father and the mother were released based on Article 62.²¹

Furthermore, no policies or procedures exist to deal with cases of violence against women; rather, they are considered misdemeanors (*junha*) and are not dealt with seriously. What makes the situation worse is the fact that cases of violence against women are sometimes dealt with through tribal legislation, which has grown stronger in the last three years due to security inflation and the absence of the rule of law. The tribal legislation is not gender-sensitive and its solutions are frequently not in the best interest of the woman or the child. Such ideologies contradict the Basic Law and the Declaration of Independence that state that all citizens should enjoy equal rights in a democratic system based on social justice, equality, and non-discrimination.

20 "Honor killing" is a crime whereby a woman is killed because she is accused or suspected of being engaged in a sexual behavior outside the institution of marriage. "Honor" in this context reflects the power relationship in the family and the gender-based discrimination where a woman has no control over her body.

21 Abu Soulb, op.cit.

The third law that affects women concerns the establishment of a quota system for women for elected positions. Affecting the women's possibilities to reach the decision-making levels, the issues surrounding this law clearly demonstrate the importance of legislation. Until the elections of 2005, no women were represented in the local councils in Gaza, and only 65 women were appointed in the West Bank. Building on the experience of the 1996 appointment, it was assumed that only a few women would nominate themselves in the 2005 elections. However, 100 women nominated themselves in the 26 local councils identified for the first phase in the West Bank. Faced with this situation, those who were against the quota felt threatened and started to form alliances to change the law; those who supported the quota sought the PLC support. Fortunately, Jamila Saidam and Hanan Ashrawi, two strong PLC members, changed their stand in favor of the quota, and this became a turning point in the process of promoting women in decision-making levels. Accordingly, on August 13, 2005, a 20% quota was instituted for local councils and municipalities based on Law 10 of 2005, which formed the basis of the rounds three and four of the local council elections which adopted the system of proportional representation (national lists). By the end of the round four of the local council elections, a dramatic increase in the representation of women in leadership took place, demonstrating the crucial role of legislation in promoting women's political participation and protecting their rights. As a result, 512 women became members of 262 local councils (compared to 65 women before the elections).²² Since 2005, women have taken a great leap forward in terms of their roles in the regional public arenas as they have been elected to leadership positions in almost every village. The women's movement has worked hard to ensure that women members of local councils are well trained to prove themselves in their communities.

PLC Elections and Consequences

As for the quota of women in the PLC, the battle was different due to changes introduced to the electoral system. The women's movement advocated for a proportional representation system with a 20% quota for women instead of the old elections system (simple majority) which was excluded to districts and had no quota. However, a compromise was reached to combine the old and the new systems. On June 18, 2005, the PLC ratified amendments to the elections law to increase the number of PLC seats from 88 to 132 and introduced a mixed electoral system in which 50% of seats would be elected through the majority system directly from the districts and the other 50% would be elected through the proportional representation system/lists, with a quota of 20% of the lists' seats to women.²³ The results of the

22 Central Elections Commission—Palestine, "Electoral System-Local Elections," <<http://www.elections.ps/template.aspx?id=333>>.

23 Central Elections Commission—Palestine, "Electoral System-PLC Elections," <<http://www.elections.ps/template.aspx?id=143>>; "Legislation, Electoral Laws," Central

elections of January 26, 2006, showed the importance of a quota system in women's ability to reach the PLC. Not a single woman could make it at the district level in the absence of a quota. However, it must be mentioned that 17 women succeeded through the quota, which is 25.7% of the quota-allocated half of the seats (66 seats); this is a high percentage compared to 5.7% overall in the first PLC.

After the results of the elections of January 2006 were out, a delegation representing the WATC, GUPW, and representatives of human rights organizations met with the Head of the Local Council, Dr Azeez Dweik, and submitted a memorandum demanding that the achievements of the women's movement, especially the quota, should not only be maintained but also broadened to include all administrative and decision-making levels. In addition, the memorandum emphasized that all laws be based on principles of equality and nondiscrimination as specified in the Declaration of Independence and the Basic Law.²⁴ Following that visit, the WATC invited the new members of all parliamentary bodies represented in the PLC to two meetings, one in Ramallah and one in Gaza. In both meetings, the expectations of the women's movement from the new PLC were voiced and the demands of the PLC members from the women's movements were identified. Two issues were defined as urgent: to examine how gender fits in the Palestinian and Islamic cultures, and how to integrate gender in policies, laws, budget, and development. The head of the local council participated in the first meeting, but was unable to attend the second one since he was arrested by the Israeli army. Since then, the PLC has been almost frozen.

Unfortunately, the results of the PLC elections that were won by Hamas were not well received by the international community. The decision of the international community to boycott the results of the Palestinian elections has not only seriously undermined democracy, but also affected Palestinian women at a critical moment in the women's movement. With resources suddenly withdrawn, women at local councils have been left without the means to deliver on their promises to their communities. There are about 120,000 public servants who were not paid due to the financial siege on the new government. This means that at least 600,000 persons suffered directly, considering that the average minimum size of the family among Palestinians is 5. Many families could not afford paying for the services and women had to make up for the limitation in income by completing the services themselves, which added to their load of work. Many women had to sell their personal belongings, move to live with their in-laws, or plant their garden to secure food. The situation has been made worse by the increased unemployment, which has forced men to stay home. Many women have complained about the additional violence that they face resulting from the unemployment of men.²⁵

Elections Commission, *Elections Law No 9* (2005). <<http://www.elections.ps/template.aspx?id=23>> (accessed October 15, 2007).

24 The meeting with Dr Azeez Dweik, took place in Ramallah, PLC premises, March 8, 2006.

25 Cf. Afaf Zibda, *AlUnf Did AlMara'a in Muhafathet Tulkarem [Violence against Women in Tulkarem Governorate]* (Ramallah: The Palestinian Working Woman Society for

In addition to the international political and economic boycott, Israeli military and paramilitary forces abducted a large number of key members of both the Palestinian government and the PLC. Compounded, these political moves have halted the efforts of the Palestinian women to reform legislation for gender equality. In addition, the general strike in the public sector, which included the judiciary system in the West Bank and Gaza during 2006 and the first half of 2007, had a negative effect on Palestine's civil stability and, in particular, on the situation and status of women in their communities. The lack of civil security has strengthened conservative tribal ideologies, and these have now taken a lead in determining the moral framework of Palestinian culture. Some clans have armed themselves and have taken over the role of the national authority in their local areas, and this has contributed to the increasing civil unrest, making tensions within the Palestinian society difficult to control. The strengthening of tribal legislation has also contributed to the increase in violence against women.

Foreseeing the possibility of clashes between the two dominant political parties, Hamas and Fateh, the Palestinian women's movement advocated the creation of a national unity government capable of taking a stand against the civil unrest and growing violence against women and demanded a return to the rule of law based on human rights and democracy throughout 2006 and in the first half of 2007. With Hamas taking control of Gaza in June 2007, the geographical separation between Gaza and the West Bank has been transformed into a political separation where there are essentially two different governments ruling Palestine and none of them has full control over the borders surrounding, resources within, or mobility in their separate regions. In particular, the deterioration in the Palestinian political situation has brought more violence against women in the Gaza Strip. For example, five cases of "honor killings" took place in Gaza in July 2007,²⁶ which is a huge number compared to previous months. This development urged the Coalition for the Penal Code, represented by the WATC, GUPW, WCLC, Miftah, Palestinian Women Studies and Al Haq, to meet on September 19, 2007, to prepare a memorandum to be submitted to President Mahmoud Abbas. The memorandum proposes the issue of an urgent presidential decree which would cancel the two articles that encourage honor killing (340 and 62) and treat honor killing as committing a murder.

Finally, although the Palestinian women's movement had defended the democratic choice of the Palestinian people that brought Hamas to power in the January 2006 elections, it has publicly rejected the undemocratic means used by Hamas in taking control of institutions in the Gaza Strip. The women's movement looks at democracy in its wider applications, beyond the electoral polls, as a process that is associated with a human rights perspective, good governance, the rule of law, and tolerance of others regardless of their religion, beliefs, and sex, as stated in the Palestinian Basic Law. At a press conference on July 18, 2007, the

Development, 2005), 30 *et passim*; translation by the author.

26 The Palestinian Independent Commission for Citizen's Rights, Report of July 8, 2007, <www.piccr.org/dmdocuments/PICCR/LatestNews/nashrettamoz.pdf>.

Palestinian women's movement made a statement expressing their concerns over the recent activities of Hamas, and the same day they submitted it to the Central Council of the PLO in Ramallah.²⁷ In their statement, the women called for the unity of the Palestinian people and stressed the importance of not allowing for the continued geographical separation between the two territories. At this point, the Palestinian women's movement is trying to balance two equally urgent activities: an engaged participation in general socio-political issues in Palestinian society and the promotion of the concerns of Palestinian women in particular.

Israeli Laws and the Splitting of Families

Although many laws affect Palestinian women's well-being, the most powerful laws that govern their daily lives are, in fact, the Israeli military laws. The geographical separation between Gaza and the West Bank prevents any close interaction between these two parts of the country. The political distance between the Palestinians of the West Bank and Palestinians living on the other side of the green line also inhibits communication between them. Many West Bank Palestinians have family among the approximately 1.5 million Palestinians living behind the "green line."²⁸ Family members cannot visit their relatives in Israel and technically Palestinians in Israel are not allowed to enter Gaza or the urban centers of the West Bank. The situation becomes more complicated in cases of marriage between Palestinians on the different sides of the green line. In 2003, the Israeli Parliament passed the Citizenship and Entry law banning Palestinians from the Occupied Palestinian Territories (OPT) from living in Israel with Palestinian spouses who have Israeli IDs or in occupied East Jerusalem. In the OPT, "the policy is implemented without reference to any law," which has caused some Palestinians with foreign spouses to leave the OPT in order to enjoy a normal family life. In addition, Palestinian Jerusalemites would lose their residency and their right to ever live in Jerusalem again if they were to move out of the city. If they move, "[they] are considered non-residents by the Israeli authorities and are denied the right to re-enter Jerusalem."²⁹

Israel's recent policies pose a particular threat to thousands of Jerusalemite women married to men from Gaza and the West Bank. If they were to visit their families in Jerusalem, they would be forced to surrender their Jerusalemite documents to the

27 See Nai'la Khalil, "GUPW and the Women Organizations Submit an Initiative to Get Out of the Current Crisis," *Al Ayyam Newspaper* (July 19, 2007).

28 The "green line" refers to the 1949 Armistice Line between Israel and the West Bank drawn by the UN after the state of Israel was established in 1948.

29 All quotes, Amnesty International, "Israel/Occupied Palestinian Territories: Right to Family Life Denied, Foreign Souses of Palestinians Barred" (March 21, 2007), <<http://www.amnesty.org/Library/index/ENGMDE150182007?open&of=ENG-ISR>> (accessed October 15, 2007).

Israeli Ministry of Interior, which means losing their Jerusalem ID. The situation is made even more complicated by the fact that Israel does not consider Palestinian Jerusalemites as citizens of Jerusalem, but as residents; as such, they can lose their residence at the discretion of Israel. Ahlam, a Jerusalemite women married to a man from Gaza, is facing a number of complications. She states:

The Israeli authorities are now creating new regulations to make sure that all Jerusalemites legal papers and documents that relate us to Jerusalem are revoked. This is one of the worst policies of discrimination ever followed by any authority.³⁰

The intervention of the Israeli policy also extends to the OPT. Those who visited the PA territories before 2000 and applied for a family union never got their documents back as a kind of “punishment” for the Intifada. As a result, the mobility of about 35,000 is limited. “M” (whose name is withheld at her request) came to Palestine on a visitor’s visa and applied for family unification, which would allow her to live in Palestine with her husband. However, her request was denied by the Israeli authorities each time she applied. She lost all her legal rights as a Palestinian: she is deprived from traveling and leaving the country to visit her family—essentially, from living a normal family life. “M” says:

The situation that I remember most vividly was when I was pregnant with our first child. During my pregnancy, I was unable to receive prenatal care because I was unable to get through the Israeli checkpoints to get to the hospital without an ID. I was also forced to give birth to our son in our home, and there were some complications during the birth. Although we tried to get him to the nearest hospital, by then it was too late and he died. Every day I am haunted by the memory of him, and, as a mother, I do not know if I can ever forgive myself for not protecting him.³¹

The right to citizenship or residency is problematic also for spouses from countries where advanced visas are not even required to enter Israel. Before the second Intifada (2000), Palestinians married to foreigners had to leave the country every three months to renew their visas, but now, they are not even allowed to renew them, and often they are forced to leave the country or hide. Those living with their spouses against Israeli regulations fear being deported, and hence remain confined to their homes and towns.

Israel controls the borders of the West Bank and Gaza and the movement of the Palestinian families between cities and towns through a complex system of

30 Al Majd Press Office, “Jerusalemites Married to Gazans May Lose Jerusalem Residency,” *Voice of Women* (February 22, 2007), <<http://www.watcpal.org>> (accessed October 15, 2007).

31 WATC, “Life without Legal Identity: A Journey into Pain,” *Voice of Women* (July 9, 2007), <<http://www.watcpal.org/english/display.asp?DocID=184>> (accessed October 15, 2007).

control which involves a number of physical barriers to movement, including checkpoints where Israeli soldiers give Palestinians selective, and sometimes arbitrary, permissions to cross the border between Israel and Palestine to access their jobs, homes, schools, universities, hospitals, and family. In April 2007, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) recorded 539 permanent physical barriers and a weekly average of 175 temporary barriers to Palestinian movement erected by Israel in the West Bank—an area of 2,262 square miles. Checkpoints and Jewish settlements are often constructed in long columns through Palestinian communities to serve as another wall severing those communities. In addition, Israeli-only bypass roads, which offer quick and convenient commutes to Israel for Jewish settlers, carve right through Palestinian communities to create more impassable barriers.³²

The largest barrier, however, is the “Separation Wall,” the Israeli West Bank Barrier built along the 1949 Armistice Line, which has been in construction on the OPT land since June 2002. By 2012, 440 km (62%) of the barrier had been completed, 57 km (8%) was under construction and 212 km (131.7 mi) (30%) had not yet been started. When finished, the 7 to 9-meter high, 770 km long wall would confiscate more than 46% of the Palestinian land in the West Bank according to the published maps.³³ Some call it the Apartheid Wall, or Segregation Wall, but to Palestinians living on either side of the wall, it is a separation line not between the Israelis and the Palestinians, but between the Palestinian and their land, work, basic services, and members of their family.

The case of Nazlet Issa, a village close to Tulkarem in North of the West Bank, exemplifies this situation. Though small, Nazlet Issa used to have 202 commercial shops which employed 400 people from other villages, and the town’s municipality was considered affluent. That dynamic changed when the separation wall was built. The wall divided Nazlet Issa into two and destroyed its commercial market, confiscating the agricultural land and destroying houses. The whole economy of the village collapsed suddenly. Whereas 350 people used to work in Israel, now only 80 people aged 30 and more are given three-month permits to work in Israel. However, they are not allowed to use the gate to cross to Israel: they have to use the Al-Tybeh check point to enter Israel, which is about 30 km from Nazlet Issa, and then to go back again almost to the place from which they started on the other side of the wall. The rest of the people who are less than 30 years or those who have been refused permits smuggle themselves into Israel to work, and by doing so, are at risk of being arrested. Those without a permit smuggle themselves through the wall by traveling 50 km from Nazlet Issa to Jerusalem and back to the other side of the wall (which

32 OCHA, “West Bank Closure Count and Analysis” (September 2006), <http://www.ochaopt.org/documents/Closure_count_analysis_sept06.pdf>.

33 The Applied Research Institute Jerusalem (ARIJ), “Monitoring Israeli Colonization Activities in the Palestinian Territories” <www.arij.org>.

is another 50 km) in order to come to a point that does not exceed 20 meters from where the journey began.³⁴

The wall creates additional difficulties for Nazlet Issa. The gates allow only 62 people to cross to the west side and 22 students to go to schools on the east side, and that only during certain hours. The 62 people have to prove that they own land on the other side of the wall to be able to use the gate, and, even so, they are only allowed to enter the other side during harvesting or olive picking. Not more than two persons from the same family are usually allowed to cross the gate, and the time they are allowed to remain on the other side is never enough to finish the work. On the other hand, workers who do not get permits stay for prolonged periods in Israel to lessen their chances of being caught at a checkpoint. Because men are away most of the time from their families, the town of Nazlet Issa has been called the “women’s town.” In effect, as the wall cuts the town into two halves, the town looks as if the houses were built in the wall. Those who work on the other side of the wall must climb the roofs of their homes to speak with their families. One woman describes the situation: “I see my husband every day, but he is far to reach.” A child said: “I see my father, but I can’t hold him.”³⁵

The wall, interspersed Jewish settlements, and Israeli-only roads serve the purpose of changing, not only the face of the land, but its demographics. John Dugard, Special Rapporteur of the Commission on Human Rights in Palestine described the wall as designed to strengthen the position of the settlers by incorporating half of the settler population in the West Bank and East Jerusalem. He also warned that the complete construction of the wall would see 54 illegal Israeli settlements built on the Palestinian West Bank land, and 142,000 settlers incorporated into Israel.³⁶ This situation not only complicates the daily life of Palestinians, but makes it difficult to maintain a collective identity and ideals of a unified state. Former United States President Jimmy Carter observed:

The wall is designed to complete the enclosure of a severely truncated Palestine [...]. It is obvious that the Palestinians will be left with no territory in which to establish a viable state, but completely enclosed within the barrier and the occupied Jordan River valley.³⁷

Finally, in terms of gender relationships, the study conducted by the Women’s Affairs Center in Gaza in 2006 showed a correlation between Israeli occupation and the increase in domestic violence against women in Gaza. This study confirmed the results reached by Afaf Zibda in the years 2004–2005, in the Tulkarem area in the

34 Afaf Zibda, WATC coordinator in the north of the West Bank, interview by the author, August 25, 2007.

35 Ibid.

36 ARIJ, op.cit.

37 Jimmy Carter, *Palestine: Peace Not Apartheid* (New York: Simon & Schuster, 2006), 196.

north of the West Bank. Zibda observes that the ideology of the “occupation” can be read, first, in terms of its psychological effect on Palestinian women; second, with regard to its effects on the parents and, specifically, husband within a family; and, third, through its consequences on the community.³⁸ In terms of psychological violence, the occupation has affected women either through the absence of their husbands (due to their imprisonment, death, etc.) or by their husbands’ loss of jobs due to closures or checkpoints. This situation has affected women in one unique sense: they have become more closely watched by society. “Rowa,” a 22-year old woman who married at the age of 16 and now is the wife of a Palestinian prisoner serving a life sentence, states:

I am from a rural society where women are not supposed to leave their houses in the absence of their husbands. Not being able to leave my house, I can’t go back to school. I am not allowed to visit my husband to discuss the issue with him and I do not want to make my in-laws angry. I am afraid that this situation will go for a long time. I have become very nervous in my treatment to my children. I have lost weight. I want to get out and learn but I can’t.³⁹

Another form of violence against women resulting from the political developments in the region lies in the increase in women’s responsibilities as a consequence of the absence of their spouses. Amal, another woman whose husband is wanted by the Israelis, states: “The burden is too much now. I do everything, and this tires me psychologically and physically.” Tamam, whose husband has lost his job, describes her husband’s changed mental condition: “Now everything is a reason to make him angry. He can’t control his temper and starts yelling at our children for no reason. We started to fight about everything.”⁴⁰

Concluding Remarks

The fragmentation of land, the division of people by Israeli policies, and the separation of families have left their mark on every aspect of Palestinian life, pushing families to emigrate both out of Israel and out of the Palestinian territories. The June 2007 and later events in Gaza have not only exacerbated the divisions among Palestinians themselves, but they have further moved them away from realizing the dream of an independent democratic Palestinian state where all citizens are equal regardless of their religion or sex. In this context, the Palestinian women’s movement today is confronted not only with the continued emergency condition of the women in the West Bank and Gaza, but also with the possibility of a civil war and the absence of the rule of the law.

38 Afaf Zibda, *Violence*, 27.

39 Ibid., 60.

40 Ibid., 28.

In this crisis, as in all other crises, women carry the burdens and sustain their families, not only economically and socially, but also morally. As always, it is women who play a unifying role in addressing conflicts among parties and in moving Palestinians closer to their national dream: in the middle of the current crisis, the Palestinian women's movement has been consolidating efforts to advocate for a national unity government. It seeks to establish a dialogue as the only means to resolve conflict and for the rule of law to ensure civil peace. Such efforts reinforce the interconnections between the cause of women and the nation's cause.

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