

# Al-Muntada

## Combatting Domestic Violence against Women

Courtesy of Al-Muntada  
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The Palestinian Central Bureau of Statistics (PCBS) confirmed in a 2011 report that around 37 percent of women are faced with some form of violence. Amidst such alarming findings, Al-Muntada endeavors to enact a law on family and community protection against violence.

In pursuing the drafting of a family protection law, Al-Muntada refers to international human rights instruments, mainly conventions that relate to domestic violence, including The Convention on Elimination of All Forms of Violence Against Women (CEDAW), and hopes to also secure adoption of the Optional Protocol annexed to CEDAW. Al Muntada depends on the steps undertaken by the State of Palestine to adhere to international conventions and treaties without any reservation.

The State of Palestine must harmonize its national legislation and bear all responsibilities laid upon it by virtue of these conventions. It must also create the environment necessary to implement the agreement, including through the enactment of a Palestinian law against domestic violence. Al-Muntada has also reviewed Arab legislative experiences in the area of domestic violence in countries such as Lebanon, Jordan, and Tunisia, which have already adopted special family laws.

The rationale behind the law includes a number of points.

1. The existing legal framework in Palestine is insufficient because it is a general law that restricts family affairs to the private sphere. This affects other applicable laws and requires addressing the root to ensure better and more inclusive protection against all forms of family and domestic violence.
2. Socially, violence against women is spread throughout Palestinian society with insufficient accountability and deterrent measures within the family sphere. The state needs to address these cases responsibly and allow for handling family issues in public fora. Only in this way can it fulfill its obligations under the international conventions it ratified.
3. Penal codes and procedures relating to domestic violence should take the social structure of family relations into consideration and assert the principle of secrecy and confidentiality in handling these cases. Law enforcement agencies must tailor their ways of dealing with family cases, especially with respect to women, children, disabled persons, and senior citizens. Follow up on cases must be associated with the submission of a complaint because of the sensitive nature of these cases and the social taboos that victims face. The particular nature of family offenses, especially those related to physical, sexual, or verbal violence, require adapted procedures and confidential proceedings. This cannot be achieved without a special regulation that safeguards this confidentiality.
4. Issues related to domestic violence are multiple and different. Violence is not restricted to physical harm but also includes threats of physical and psychological harm, sexual violence, arbitrary deprivation of rights, and other forms of abuse, including insults and contempt in addition to other forms of unlawful exploitation that stem from power relations within the family. These include the power of a husband to exert pressure on and influence the spouse and children, and relations involving a group that needs special care, such as people with special needs. The definition of violence is also extended to offenses by parents against offspring and vice-versa.

Limited progress has been reached in the formulation of the draft law so far. A draft law was submitted by the Ministerial Council to His Excellency, the President, on December 27, 2018. It was returned to the Ministerial Council after having been reviewed by Diwan Al-Fatwa Wa Al-Tashri (The Bureau of Legal Counsel and Legislation). The draft was then returned to President Mahmoud Abbas's office. Al-Muntada wishes to understand the reason behind this delay in enacting the law. We do not understand why it was returned to the Ministerial Council after it had been submitted by the same council to the President's office.

*Al-Muntada is an advocacy NGO that aims to combat violence against women.*