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**CONSIDERATIONS OF HONOR CRIMES, FGM, KIDNAPPING/RAPE,  
AND EARLY MARRIAGE IN SELECTED ARAB NATIONS**

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*\* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.*

Gender based violence is widespread in Arab nations today. Efforts have been made to alter laws, or introduce new legislation, and in particular, recent campaigns have targeted FGM in Egypt, with far more support from the government than ever before. At present, as practices such as FGM and honor crimes have already been the subject of major campaigns to introduce new legislation, the latest focus has been on strengthening measures and introducing new laws or legal bills to address family violence which includes both honor crimes, and spousal and other family violence towards women in Egypt, Lebanon, and to some degree in the Palestinian Authority and Jordan. It is the *de facto* situation of honor crimes, FGM, early and non-consensual marriage that we should consider in certain countries and the *de jure* and *de facto* circumstances in others, for instance, in Iraq and in Yemen and Saudi Arabia.

**Current Reforms:** Many reforms did in fact result from concerted pressure from activist campaigns and also in response to CEDAW. However, some advents in law are coming about due to the effect of media coverage that has expanded with the use of ‘unofficial media’ – the use of the internet, You-tube, and cellular phone cameras. Conservatives and others allege that campaigns to change laws and practices are the result of Western intervention, and this is one aspect of resistance to changes which alter basic understandings of *shari`ah* (Islamic law) or cultural interpretations of male authority over women.

\*There have already been campaigns to alter two types of penal code articles: 1) some (but not all) of those that provide an exemption or reduction of penalty to male family members who kill their female relatives, or wives under “provocation” or in crimes of honor (reformed in Lebanon, partially reformed in Jordan, not reformed in the PNA or Iraq, Yemen or Saudi Arabia a 2) articles which absolve the penalty to rapists or kidnapper/rapists if they marry their victims. (reformed in Egypt, in Lebanon, but not in Iraq and the PNA).

\*In Egypt, an important amendment to the Child Law was put in place in summer 2008 after a great deal of debate and numerous changes, and now a) the age of marriage has been raised for women to 18 and b) FGM has been outlawed, and stricter punishments are supposed to be levied against medical or other practitioners in addition to other changes in the law (ending corporal

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punishment, registering of children born to irregular marriages or who are illegitimate). This has been accompanied by support by the government, statements by major religious leaders like the Shaykh al-Azhar and spokesman for Pope Shenouda. NGOS have used the opportunity to carry out attitudinal studies, showing that more women intend to not circumcise their daughters, but not all are convinced. Except for one case, no parents have been charged under the new law with enacting FGM, and we do not know for certain whether FGM is decreasing.

\*Yemen instituted a Ministry of Health edict against FGM in 2001, following a 2000 study showing high incidences, however this has had little effect. FGM is accompanied in Yemen with a traditional procedure that impacts babies. Unicef introduced a campaign against FGM 2008 (Arrabyee, June 27, 2008) and many other possible programs were being discussed within the government in 2008 (Reuters, 2008) however, the issue is taboo and the frequency is denied, and Yemen's marked tribal and political divisions, and various Islamist forces make this a difficult project.

Saudi Arabia has not taken actions against FGM and there is no official admission of a problem, despite an important study of more than 200 women (nor has Jordan). Just as in earlier years in Egypt and Sudan, FGM I was considered "Islamic," here too the severity of the practice is denied. In Iraq, the discovery of a significantly high practice of FGM in Kurdistan has been met with cooperation and concern by the local government, but no new legislation.

\*In Iraq, the kidnapping/rape and enforced marriage issues are particularly problematic as are honor crimes, in part due to the chaos of six years of fighting, and relinquishing of responsibility for these issues by police. Violence against women extends to the Iraqi refugee communities in Syria and Jordan.

\*Early marriage has received attention in Saudi Arabia this year and the government says it is considering a law against marriage under age 18. Other cases have been exposed in Yemen, in which fathers have sold their daughters to older men. Similar situations are taking place in Egypt, even with the reform of the child law, and one reason is the availability of informal marriage to be explained below. In general, the degree to which arranged marriage is forced

marriage is not being challenged and this is pervasive in all countries discussed, and also involves laws affecting kidnapping/rape.

\*Saudi Arabia and some other countries' insistence on separation of the sexes leads to other violations of women's rights. There is ongoing discussion about how to address judicial positions seen externally as being very harsh; thus far, intervention from the King impacted one case i.e. the "Girl from Qatif" who was not the victim of an honor crime, but was raped, and yet sentenced to lashing and prison for being in mixed company – she had gone to retrieve a photo from a man she had a telephone relationship with who had threatened her into giving him a photograph. Now engaged, she wanted the photo back; he convinced her to come to his car, then she was gang-raped. She gave a detailed interview to Human Rights Watch, some published in *Sayidati* in Arabic. Her sentence was increased and her lawyer was punished for drawing media attention, until finally, the King intervened. In this instance the Minister of Justice now proposing a child marriage law defended the sentence against the Girl from Qatif because she was "indecently dressed," disappeared "for a time"[while abducted] with the man, and did not reveal details to the authorities for 3 months. .Most recently a 70 year old woman was lashed for supposedly being in mixed company and charged with immorality. Domestic violence has also come into public discussion in Saudi Arabia, but there is no space to discuss that issue in this paper.

### **Honor Crimes: Background, and Potential for Legislation.**

Honor "crimes" invariably involve murder or rarely attempted murder. They stem from the deeply-rooted social belief that male family members (in some cases, mothers and other women are involved in planning or carrying out honor crimes) should control the sexuality of or protect the reputation of women in the family, and that they may contain their movements or kill them for blemishing family honor, even when rumors or false gossip are the reason for public suspicion (Zuhur, 2005, 22-33; Abu Odeh, 1996) A pervasive background of violence against women combines with the suspicion of women's sexual reputations, thus men and women usually do not consider honor crimes to be criminal, rather they perceive the victim as a source of shame.

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In all areas discussed, honor crimes have a mixed legal origin. They go back to the values of honor encoded in tribal or customary law, *`urf*, that reinforces the ties of an individual to clan or extended family. These values are *sharaf* which applies to men and can be attained through family reputation, hospitality, generosity, chivalry, and to some degree, socioeconomic status or political power, and *`ardh* which pertains to women's chastity, virginity at first marriage and sexual virtue. Anthropologists have described the codes of honor as a dynamic pole of honor/shame.<sup>1</sup> They are further perceived within regional ideals of masculinity and femininity.

Clan or family honor was compromised if unmarried women lost their virginity or married women were unfaithful,<sup>2</sup> especially if a woman gave birth to an illegitimate child. Honor was regained when the offending female was killed by her family. From this principle comes the underlying logic of honor crimes and also forcing or convincing a rape victim to marry her rapist, which was encoded in Ottoman law. Killings sometimes result from a thwarted cousin-marriage, as when a customary pay-off (to the cousin) has not been made, or an unresolved kidnapping/elopement (common in Lebanon, Syria, parts of Palestine and Jordan). A woman's *wali* (legal guardian), or next of male kin in a particular order of consanguinity is responsible for guarding and punishing women's sexual lapses. Premeditated selection of a murderer by family assemblies may take place.<sup>3</sup> Because modern laws give lighter sentences to juveniles, a brother may be selected to murder the girl. Also, since the introduction of stricter penalties for honor crimes are in place, it is thought that in Kurdish (northern) Iraq, the high rate of suicide among girls may on occasion, represent honor crimes – that families force their daughters to commit suicide.

The discourse about honor crimes today does not always include the murders of married women, whether because there is a preference to highlight similarities of crimes of passion in all cultures, address domestic violence outside of religious orientation, and there is an investigative complication in that police want to ascertain "innocence" of the victim, by ascertaining virginity after death. However, whatever she has done, been forced to do, or not done, her killing is still an honor crime. Most probably, honor crimes should not be referred to as a unique category of violence against women; and murders of wives under accusations of infidelity belong in the same

legal category in that both imply ownership of the sexual behavior of women by their families. The distinction – virginity – is unfortunately why young women are valued; their marriages bring a higher price than previously married non-virgin women; so the second element is the issue of virginity and the third, the element of bride price.

As *shari`ah* developed, the state was supposed to take on the regulatory function of the male family members. *Zina* (the crime of extra-marital sex) was illegal for men as for women; and virgin offenders were to be lashed, while married offenders (committing adultery) were to be stoned. These penalties by the way are not specified in the Qur'an but evolved through practice and with reference to the sunnah of the Prophet (s.a.w.s.) and the early Caliphs. In fact, honor crimes continued to be handled by families because of the shame associated with women's lack of virtue (anthropologists therefore refer to the honor/shame dynamic). Numerous Muslim authorities have stated that honor crimes are "not Islamic" or "cannot be blamed on Islam." Here they are indicating, within their own discourse, three points: 1) *shari`ah* itself does not authorize individuals to engage in vigilante activities, it should be up to a qualified Islamic authority to determine whether or not *zina* was committed 2) they are alluding to the basic principles of determining fiqh, Islamic jurisprudence in which all actions are described as licit in Islam ("Islamic"), or forbidden, neutral, reprehensible, or recommended 3) they may, along with others opposed to honor crimes, objecting to the way that Muslim practices are treated as exotic and barbaric and unlike other forms of violence against women. This is borne out, in instances where Christian families also commit honor crimes.

However, Islamic law is unfortunately "involved" in honor crimes, and families are not punished for committing them under Islamic law; moreover, the distinction between crimes in the private and public spheres is just as problematic in the Islamic legal view as in a Western one, or a civil and Eastern one. In Iran, where the *shari`ah* is supposed to guide the Penal Code: Article 630 of the Iranian Penal Code states that if a man witnesses his wife committing *zina* and knows that she is a willing participant he may kill both parties. If she has been coerced, he may kill the man. What should happen under a stricter interpretation of *shari`ah* would be that the man turns the offending man, or the man and his wife over to the state authorities. They would

invoke penalties for rape against the male and *zina*, if rape was committed. The problem is that men always argue that their victim has engaged in consensual sex, or even initiated it. If so proven, then women are lashed or stoned for *zina*, (but men should be too).<sup>4</sup> The penalty for rape could involve the payment of a *dhiyya* to the family of the girl for the “price” of her virginity, or to her husband; however, her dishonor cannot be tolerated.

This attitude hopefully could change, as in the case of the so-called Girl from Qatif in Saudi Arabia whose husband supported her going to court after being gang-raped; however she was sentenced to 200 lashes and six months in prison and finally the King of Saudi Arabia pardoned her.

Civil or partially-secular laws have not appropriately penalized the practice, and indeed *some* modern penal codes may reinforce the notion that men have a “right” to punish women (and their alleged sexual partners) for improper sexual behavior. This also applies to criminal systems based on *shari`ah*. For example Article 630 of the Iranian Penal Code states that if a man witnesses his wife committing *zina* and knows that she is a willing participant he may kill both parties. If she has been coerced, he may kill the man. In Kuwait, a man who kills his wife and/or her sexual partner is eligible for a sentence reduction; men are commonly sentenced to three years or less. Legal codes frequently contain references to the inflamed emotions of males arising from the misdeeds of their womenfolk that result in murder, and allow judges to reduce or do away with sentences. In contrast, when women kill their husbands, the standards of evidence required are different, the penalties imposed may be more stringent, and there is no exemption from penalty as with men. It is worth repeating that honor crimes can and do result merely from gossip and suspicion. The specter of honor crimes serves a powerful deterrent to women, causing them to defer to family wishes, accept the social premium placed on virginity, or engage in sexual *relations* in secret and at great risk.<sup>5</sup>

Lama Abu Odeh examined the penal code articles that pertain to honor killings in Syria, Jordan, Lebanon and Egypt. In these, definitions of female relatives first derive from the Ottoman Penal Code of 1858 which has two relevant clauses. The first is based on *shari`ah* in that it classifies women as being the *muḥaram* of the male (female relatives so closely related to

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him that he is forbidden from marrying them [unlawful] and whose sexual behavior he must control). (However the fact that it offers him an exemption if he murders or injures them cannot be said to be “Islamic” in spirit, and stems from *`urf*.) “He who catches his wife or one of his (female) unlawfully<sup>6</sup> committing adultery with another in an unlawful bed, and kills, wounds, or injures one or both of them is exempt from penalty.”<sup>7</sup>

The second clause derives from the French Penal Code of 1812 and specifies that a reduction of penalty may occur if a man kills a female relative he finds in ‘*questionable* or compromising circumstances’ (*attitude équivoque*).<sup>8</sup> ‘Provocation’ due to a woman’s sexual attitude or “suspicious behavior” (i.e. being alone with a man) provides a defense similar to that of “diminished capacity” as it is used in Western law (as in exemptions concerning crimes of passion in many of the American state laws).

Abu Odeh considers the shift in legal definition of some types of murder from ‘*honor crimes*’ to “crimes of passion” to be a modernization that illustrates the transfer of authority over a woman from an entire family or clan to the husband. For our purposes, some types of crimes such as killing a woman found not to be a virgin on her wedding night, or the killing of a wife thought to be, or actually engaged in adultery, is to all intents and purposes treated similarly under the law – the killer is given a reduction or exemption of sentence, and so, should probably be included in the category of honor crimes.

Honor crimes have become more frequent in some countries like Yemen.<sup>9</sup> Pakistan,<sup>10</sup> Kurdistan, and Iraq. It was hoped that new legislation would impact honor crimes in Lebanon and in Egypt but it is difficult to tell if that is the case; in Lebanon even with the reform to the legislation that was to stiffen penalties against honor crimes, they were estimated at about one honor killing a month, in 2001<sup>11</sup> and currently at two to three a month. They are linked to the issue of kidnapping-rape in some cases. In Jordan, sources estimate from 15-30 honor crimes per year, but these are only cases of bodies actually discovered, or with admissions or supporting forensics, as the cause of death may be inaccurately reported “falling down a well,” for example. Typically, short sentences were served, if any – seven and a half months was the average sentence served in Jordan<sup>12</sup> prior to the incomplete reform mentioned above. Large numbers of



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women's deaths by battering (or other forms of murder) are due to jealousy, or committed by family members – this combining “honor crimes’ with domestic or family violence. Minors may be delegated to kill their relatives since sentencing may be lighter, and they may be released upon majority.<sup>13</sup>

Another reason for honor crimes is incest and sexual abuse in the family, a taboo subject as we might expect and one that requires special legal handling. Whereas in popular discourse, sexual abuse and incest is NOT a part of Muslim or Arab culture, in fact it goes on and has for decades. Afaf Kanafani wrote about abuse by her own father in her autobiography<sup>14</sup>, which caused some to discourage her from publishing it in Arabic. Under the laws of the West Bank (which come from Jordan) only a child's legal guardian, considered her father, can file on incest charges (Shalhoub-Kevorkian, 1999); however it is often fathers, brothers, step-brothers and uncles who abuse female children and girls, who must then be protected.

Not all incidents of incest, sexual abuse or rape, but the rate of such incidents is quite high, against children, and women in Egypt (Land Center, Sept. 2006, Feb. 2006 and September 2007). Street children, (there are estimates of hundreds of thousands) are attacked by adults, other children and also abused by police, and ordinary children are targeted by teachers, former teachers, people who know their parents, step-parents.

In 1999, Lebanon was the first Arab country to alter one of the relevant articles which eliminated the exemption or reduction of penalty for ‘honor killings.’ Yet, honor killings continued (Ghattas, 2001) after the reform and until today, apparently men or families are not apprehensive of the legal change. It could be that enhanced cooperation with the police, and instituting more shelters or social workers would help, and additional changes in the law would be helpful since judges could still refer to Article 252 which provides a commuted sentence for a perpetrator “if he carried out the crime while in extreme anger because of an unjust and dangerous act committed by the victim.” Additional reasons for honor crimes in Lebanon are

a) due to the lack of a civil law of personal status, which means that women of the 18 different recognized religious groups must all resort to their own family courts for divorce; some do not allow divorce and some are restrictive (also as Muslim women may not marry non-

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Muslim men, cross-religious marriages and divorces are fraught with difficulties for the partners who often marry in Cyprus, Zuhur, 2002)

b) due to kidnappings which end in family violence, i.e. honor crimes, (see below) which also involve enforced marriage.

Kidnappings in Lebanon, as in Syria, some parts of Iraq, Jordan, and Palestine are often a form of eloping with a woman so as to avoid one or the other family's disagreement with the marriage. After just one night with the man (whose friends sometimes aid and accompany him), the woman's honor is compromised, just as if, or in other cases, when she is raped. (When in academic discussions of "kidnapping," I have noted that Lebanese in the audience discounted and brushed these aside as if they are always consensual.)

A legal issue arises because a man can take advantage of the actual law in place that gives the rapist impunity if a marriage is concluded; Article 592 of the Lebanese Penal Code. This part of the penal code apparently derives from the late 19<sup>th</sup> century codification of Ottoman law as it is so similar to articles in Iraq, Egypt and other countries. (Sonbol had argued speculatively that at that time, conditions were insecure leading to great concern about kidnapping/rape (Sonbol in Ilkkaracan, 2000) Historians should probably look instead at the tradition of marriage via kidnapping.). Aside from the law, if the family still object, as when the bride has been pledged to a cousin or the family had totally refused the financial terms offered (the bride price) then there can be a double murder – shooting of the man and killing of the woman by her family. Often, there is a mediation and family council that can result in a *sulha* – a reconciliation, and the marriage is accepted. After a shooting or killing, mediation also has to take place to prevent a longer vendetta. The state often does not play a role; instead leaders of the families do, and even Members of Parliament in their capacity as private leaders, or, beginning in the civil war powerful political parties such as Hizbullah.<sup>15</sup> This illustrates state relinquishing of criminal punishment with regard to matters given over to religious and familial authorities to begin with.

Women activists had challenged this discriminatory article in the Lebanese Penal Code especially when kidnapping-rape is coerced and not as is usually alleged, an elopement of sorts.

A case took place in Tripoli, where a medical student, Suline was kidnapped by Ziad Zuhurmane. He raped her but claimed this was legal as he asked a local Member of Parliament to oversee a marriage. Then he held her hostage. The prosecutor rejected the pleas of the woman's mother to charge him, declaring he had heard she married the rapist and Akkar MP Wajih Bariini and his brother continued to support the rapist. The woman's mother and her lawyers with the help of a woman's NGO, the Lebanese Council to Resist Violence against Women, widely publicized the case and persisted in efforts to get the prosecutor to charge the rapist. (Abdel Sater McCracken, 2005-2006, 45, 46-47) Eventually there was an arrest under charges of kidnapping and enforced marriage.

Iraq has a very similar law to this one, as does the West Bank and Gaza (where the issue of rapists and marriage have not been reformed as in Egypt). Here too, we see a practice of enforced marriages as well as elopements opposed by families who have pledged one of the two to a cousin or a marriage partner of the families' choice. These often result in murders as well as honor crimes.

### Family Violence

Proposed legal reforms that should impact honor crimes as well as domestic violence can be found have been made by el-Nadim Centre in Egypt and by Kafa and the Institute for the Study of Women in the Arab World in Lebanon. Kafa explains that their proposed family violence bill applies to married women, but also to unmarried women, or women "related by blood," pertains even when violence is not habitual; calls for family courts and a family unit in the Lebanese Internal Security Forces; obliges witnesses or those who know about domestic violence to report it; includes a restraining order on the abuser; requires the abuser to provide accommodation for a woman and her children or leave the family accommodation for them and also to pay for medical expenses and an allowance. The bill also recognizes marital rape includes violence against domestic workers in the bill (Kafa, 2009). Kafa has sponsored events that commemorate women murdered in domestic violence and in honor crimes, and also television ads, the first of which pertained to domestic violence. The broad nature of the bill, might dilute its effect; and

one problem in honor crimes can be the absence of a complainant; so there should be legislation that requires the police or prosecutor to pursue such cases or face fines.

### Specific Responses to Honor Crimes

In Jordan, a very lively campaign to amend Article 340 took place, but met with resistance and backlash. Paragraph 1 of Article 340 of the Jordanian Penal Code had granted impunity to a man who kills or injures his wife or one of his female kin whom he has just caught committing adultery or sex outside of marriage. An amendment championed by the royal family was to drop the impunity clause and replace it with other wording. The campaign ended with the Lower House of Parliament twice defeating the proposed amendment, despite its passage by the Upper House in 1999. (Zuhur, 2008) The campaign was unpopular with many Jordanians and politicians, who pronounced it an attack on the family or Islamic society, accused reformists of being Westernized. Several Islamist parties were staunchly against the reform, seeing it as an encroachment on the *shari`ah*, which is actually a debatable point. Finally, in 2001 by the authority of the king, government cancelled the exemption from the death penalty contained in Article 340. However, Article 98 of the Jordanian Penal Code, as journalist and reformer Rana Husseini has pointed out, is utilized far more frequently for the same purpose, to exempt the killer, so the cancellation of Article 340 has not solved the problem.<sup>16</sup>

In addition, it is clear that a lack of shelters for women in Jordan is a major problem; putting them in prison for their own safety is not a viable long-term solution. Women need both a means of earning a living, and a new community of social alliances to draw on, since it is too unsafe to return them to their families, despite changes to the law.

The Palestinian situation involves the use of Egyptian law in Gaza and Jordanian law in the West Bank. Further, honor crimes are committed against Palestinians who live within Israel, and finally, the Palestinian National Authority possesses a Basic Law, however the Hamas-Fatah divisions also make for differing positions on legal reform. When in Egypt, the long-standing law that prevented a rapist from being prosecuted if he married his victim was changed; that did not alter the situation in Gaza, nor has the but the attitudes of police – in Egypt, Gaza and the West Bank – have not. According to Human Rights Watch's detailed study in 2006, the police

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and health professionals need training and assistance to aid women. They examined one shelter for women and a training center for girls in Bethlehem which houses a few girls hiding from their families, who do not go to school aren't permitted to leave the shelter at age 18. The administrator believed a raped girl must marry the rapist to protect the child's rights (not hers, and she said that if the girl doesn't like it, *tuz fiha* [screw her] it's the baby that is important) (HRW, 2006.) The situation has not improved, violence is thought to have increased during, after, and because of the December 2008 – January 2009 war on Gaza. Activists also call for a family violence awareness; however the national situation keeps taking precedence over women's rights issues.

Additional problems come because women don't want to leave their families behind, making them targets for violence which cannot be prevented by traditional or informal authorities. In 2002 a teen-ager in Abu Qash in the West Bank was raped by both of her older brothers. She was discovered to be eight months pregnant at a clinic when treated for a different problem, and sent off to a shelter where she had her baby. She wanted to return home and the Governor of Ramallah met with elders in her community to try to obtain a pledge for her safety. She returned home in January 2003. She notified authorities she was in danger on the day of her death; when her mother sent her father to Bir Zeit, her younger children elsewhere and then ordered her daughter to commit suicide. When she didn't, her mother killed her, turned herself in and her sentence was mitigated due to the honor clause. At the time, such cases appeared weekly. A chilling aspect of the story was the girl's youngest sister's statement that they loved their mother even more because she wanted to protect them from the way others (in their community and family) would punish them for their sister's shame. (Nelson, November 17, 2003).

Few shelters exist; a project exists in Haifa, and there is a shelter in and one near Jerusalem. Bedouin women did not have sufficient shelters, (two are available in the south near the seven "registered" areas) and are also subject to FGM as well as honor crimes, and severe instances of domestic violence, as well as early and arranged marriages (despite laws against them).

Shelters and their regulation are also problematic in Egypt. Here, they do not protect potential victims of honor crimes because if the police have referred women, the shelter usually refuses them; they are charged a quarter of their income, they have a time limit of a few months,

women over 50 are not permitted, and the shelter's goal is to reconcile women with their husbands; their location is not necessarily kept confidential (Ammar, 2006).

Iraq, like Egypt, had a history of activism on women's issues, but women's political leadership was limited, and the Ba`th Party promoted certain women's rights through its women's associations. Amal Rassam's analysis of the ambivalence of Ba'ath Party policies concerning women, aiming concurrently for both modernization and "cultural authenticity" helps explain the situation that pertained by the 1990 where women were not better off with regard to legislation of the issues we are concerned with. The Iraqi Penal Code of 1969 has an article very similar to article 340 in the Jordanian Code. Normally murder is punishable by death or imprisonment, but Article 409, IPC No. 111 limited the sentence of a man who killed his wife or female relative to 3 years, and also prohibits "legal defense against any person who uses this excuse" meaning that a disabled survivor of an honor crime or a relative could not take action against the one who committed it. "Any person who surprises his wife or close relative in the act of adultery and kills them immediately or one of them or assaults them so that he or she dies or is left permanently disabled is punished by a period of detention not exceeding 3 years. It is not permissible to exercise the right of legal defense against any person who uses this excuse nor do the rules of aggravating circumstance apply against him." In contrast the Kurdish region suspended mitigated sentences for honor crimes in 2000. In January 2001,

Then, Revolutionary Command Council Order Number 6, signed by Saddam Hussein, more broadly provided a mitigated sentence for a man who commits honor crimes against a wife or a *muharam*, or against someone who makes reference to her "disgraceful deed," and issues more serious threats against those trying to avenge the slain or if anyone issuing rulings based on these acts. and this provision has not been repealed by the new Iraqi government<sup>17</sup> Honor crimes were certainly common in Iraq (al-Khayyat, 1993, 21-78) and perpetrators benefited from the legal loophole in both laws despite other legislation intended to benefit women.<sup>18</sup>

Honor crimes, and other murders of women business owners, politicians, those not wearing the *hijab* and those driving, were rampant during several years following the Coalition forces occupation of Iraq. In the earlier period of this violence many women were kidnapped and sold to sex slavery or prostitution networks, then many kidnappings which continued were for

obtaining ransoms. Problems have also arisen in the Iraqi refugee communities in Syria and in Amman. In Syria honor crimes do occur, the sentence reduction is precisely the same as discussed; the type of family interventions and kidnappings are similar to Lebanon (in rural areas). A specific difference is in the marriage law which requires a 30 day waiting period that being intended to help deal with disagreements by families, but it also provides them with a period of intervention. Another difference with some countries, but a similarity with Lebanon is in cross-sectarian marriages. The problems this creates vary by group; in Syria, the Druze, for example, do not approve of marriage outside their community.

Similar exemptions or allowances for sentence reduction are found in the Moroccan Penal Code (418) and the Egyptian Penal Code, a fact that lawyer Mona Zulficar stressed for years. In Egypt, a judge objected to a repeal of Article 17 of that code, arguing that judicial discretion for reduction or exemption of sentences is universal.<sup>19</sup> The specific use of an article that in fact denies women justice was evidently less important than retaining that judicial discretion.

Following the First Gulf War and the establishment of the flyover zone, the Kurdish government gained limited autonomy in northern Iraq and, along with NGOs, began to address honor crimes as well as permitting media coverage of the issue. A few women's shelters were introduced, and the National Assembly of Iraqi Kurdistan revoked Articles 128, 130, and 131 of the Iraqi Penal Law 111 of 1969, and issued Law No. 14 in 2002 which removed the "honor loophole."<sup>20</sup> In the Popular Union of Kurdistan's territory, the number of honor killings declined from 75 in 1991 to 15 in 2001, and in the area dominated by the Democratic Party, from 96 in 1991, to 32 in 2001. Nevertheless, women in shelters feared that if they were released, their families would kill them.<sup>21</sup> Today, the numbers of shelters are still too limited and more recently high rates of FGM (see below) have been studied in the area.

Rampant violence against women and girls took place in Iraq from the 2003 U.S. invasion through 2007. Criminal rings abducted women (also men, and children), and a wave of assassinations of women politicians, translators, business-owners and professionals, women who did not wear hijab and women who drove automobiles in certain neighborhoods (even if they

wore hijab) took place. Honor killings also targeted some of the survivors of rapes and kidnappings (Zuhur, 2007, ILDP, 2005).

In the West, attempts to control young Muslim (and Arab) women, arrange forced marriages, or prevent women's self-chosen unions have ended in murder.<sup>22</sup> Zein Isa, a Palestinian immigrant to the U.S., was recorded on audiotape as he stabbed his 16-year-old daughter Tina to death in November of 1989 in St. Louis while her mother held her down.<sup>23</sup> In 1999, 21-year-old Methel Dayem died of seven gun-shot wounds in downtown Cleveland. Two of her cousins, Musa Saleh, 21 and Yezen Dayem, 20 were arrested and tried. Methel's Islamic marriage to Saleh had been annulled, and he objected to Methel's "American" ways. Despite the admittance while incarcerated by one of the accused that he had committed the murder, one of the young men was acquitted, and the other's case was dismissed for lack of evidence. In this instance the defense attorneys and the local imam formally and strenuously objected to the use of the term "honor killing."<sup>24</sup> In the U.S. as in Europe, women who choose to go to shelters for protection face total ostracism from their families and communities of origin.<sup>25</sup> Further, prior to the advent of Homeland Security, the U.S. Immigration and Naturalization Service (INS) had refused to grant asylum on the basis of fear of honor killings. When a Jordanian woman appealed a deportation decision because her father had asked her brothers to kill her, the INS Board ruled that her fear of death was "speculative" and derived from a "personal family dispute," not an organized persecution.<sup>26</sup> (Now asylum is differently administered but also restrictive.)

When Asiaya Hassan was beheaded by her husband Muzammil Hassan in New York in February 2009, the New York president of the NOW, Marcia Pappas, condemned prosecutors for referring to the death as an apparent case of domestic violence and NOW stated "This was, apparently, a terroristic version of 'honor killing,'" (CBS News, 2/19/ 2009) Muslims asked her to withdraw that label,(LA Times, 4/24/2009) this was "simply" domestic violence. Here, again the point is that both forms of violence are wrong. Follow-up media coverage mentioned that violence against women is a problem in the U.S. Muslim community, and made it sound as if a "healthy debate" had opened on the issue in Muslim mosque communities (Associated Press, 2/21/2009) but in fact, many, probably most, mosques and religious leaders are silent on this



issue, will not interfere in cases of family violence and uphold men's rights to physically beat ("discipline") their wives and daughters. All of these examples show that measures that go beyond legislation are necessary to protect women.

### **Early and Enforced Marriage.**

Most legal reforms dealt with early, rather than enforced marriage. And indeed, laws have been introduced against child marriage without much impact on the large numbers of arranged, enforced, or coerced marriages. The latter are a key to the rampant instances of domestic violence, also to an understanding of honor crimes and yet, women are unwilling to leave such marriages because of limitations on women-initiated divorces, custody laws, and stigma against divorced women.

Although the CEDAW mentions the elimination of dowry; in this broader Middle East, the issue is dower (*mahr*) or bride price, which, as stated above, rests on virginity and known virtue; it is reduced for a divorced woman. Governments usually mandate a minimum *mahr*, but couples' families usually agree privately to a different sum, which unfortunately represents a kind of sale and ownership mentality, and can lead to situations where wealthy Gulf men for example purchase young brides (13 or 14 years old) in Egypt, spend a limited time with them and leave. Or one sees cases such as the Saudi 47 year old man purchasing the eight year old girl whose mother brought the case to court; or three Yemeni girls whose cases came to media attention in 2009, sold for a *mahr* because their fathers needed the money. The *mahr* according to Islamic law is not supposed to be paid to the bride's father, but rather directly to her and represents her financial security in the case of divorce when she may receive the deferred half of that *mahr*. *Mahr* is sometimes promised and not paid at all. *Mahr* along with other requirements of marriage – a flat, washing machine and appliances, and sometimes a car, jewelry and other gifts to the bride, and furniture – are a huge expense, often requiring men to save for an average of 10 years (Singerman and Ibrahim, 2002) The system means lengthy engagements, sexual frustration, family involvement in the marriage planning and divorce is considered a disaster.

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The main problem here is that families, including women are not usually opposed to arranged marriages in principle, and these are the majority. Some aspects of popular culture have incorporated the external vision of a companionate marriage like those the West transitioned to after many centuries of arranged marriages. But despite the endogamous marriage is preferred in many communities: estimates range from a low of 20 to 25% of couples being relatives (cousins) in Lebanon to more like 70 and 80% in the Gulf States. There are economic and social reasons for this preference, but because the line between agreeing to an arrangement and being convinced or coerced into it can be subtle, the de facto situation is quite different from the de jure one, in which women have the right under civil and Islamic law to choose or reject marriage partners. Men have somewhat more freedom in this matter. This issue was noted by Human Rights in their review of Palestinian women's difficulties with abuse, honor crimes and lack of access to or shame on divorce (HRW, 2006)

New forms of temporary marriage invite more opportunities for abuse, or coercion of women, because the larger *mahr*, property and goods, and thus family negotiations aren't necessarily required, only a *mahr* (which can be significantly less than in a *nikah* marriage). Therefore, many of the marriages which border on prostitution involve payment of *mahr*, but are *`urfi*, or *mizyar* (a traveling marriage), or in Lebanon and Iraq, *mut`a*, unmentioned in the 1959 Iraqi personal status code, yet prevalent since 2003, (ILDP, 2005, 55; Zuhur 2007), and provide no security to the woman despite a contract other than a one-time payment. In Egypt, the inability of women to divorce from such marriages was one reason for officially recognizing them in 2000, and children of such marriages only obtained the ability to be registered, and so attend school as of summer 2008.

Enforced marriage practices and early marriages in Iraq need to be addressed by legal authorities and police, and the Ministry of Women's Affairs needs funding to the extent that it can enable action. These show the persistence of tribal traditions and the customary expectation that women will assent to the husbands chosen for them. (ILDP, 2005, 54). Specific practices include *al-kassah*, where the bride's brother marries the groom's sister which allow for "exchange marriages" (where two marriages are arranged, usually the sister of a bride is

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contracted to the brother of a groom); and *al-fasel*, which is similar to the previously mentioned *badal-i sulh*, in that a tribe offers a woman in marriage to the other tribe to solve a dispute (ILDP, 54-55). As in Jordan, among the Bedouin in the Negev and Sinai, in Egypt and Saudi Arabia, a girl can be promised at birth or when small to another relative and often her cousin (father's brother's son) has rights of *al-nahi* over her, he can prohibit her marriage to someone else. Any of these practices would have to be brought to court as a case of enforced marriages that are in violation of the Iraqi Personal Status Code, No. 188 Article 9 (1) which states: "No person, whether a relative or not, shall force a man or woman to enter into marriage without their consent, in such an event this contract shall be considered null and void, if no consummation has occurred...." (ILDP, 50) The article is not fully useful for women whose marriages have been consummated. To address these issues, then a criminal punishment would have to be levied whether or not the marriage was consummated, and would be most effective if it can be brought by state agents such as a prosecutor, or police on behalf of a woman.

The Iraqi Personal Status Code No. 188 Article 8 allowed a judge to allow a marriage for those younger than 18 (the age specified in the code) and older than 15. That was justified with the argument that the tribal groups would marry their daughters at that age anyway, and so it would be best if the marriage were legal, but the intent of those who crafted the Code was to extend the age of marriage (al-Hayan, 1993).

In tribal law, the *al-fasel* marriage had parallels in other areas where tribes used women sometimes to compensate for a blood payment, the *dhiyya*.<sup>27</sup> In some areas *`urf* legitimized the abduction of women, who were held until they bore sons to replace the other tribe's loss. This type of arrangement occurred among Sinai, Negev and Jordanian Bedouin, in Iraq and has the same logic in areas of what is now Pakistan, (the *badal-i sulh*). While Hudud Ordinances Article 16 endeavored to regulate this tradition,<sup>28</sup> as did the earlier Tribal Courts Law of 1936.<sup>29</sup> tribal councils in some areas still recommend *talion*, exchanges of women, and even retaliatory sexual punishments. A Pakistani tribal council settled a feud arising from a 2001 murder by giving two young girls, ages 11 and 6, in marriage to the 46-year-old father and the 8-year-old brother of

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the victim as a compensation package. The girls were too young to marry according to Pakistani civil law, but the government took no action.<sup>30</sup>

### **Early Marriages in Saudi Arabia and Yemen.**

Recently, several instances of child marriage girls aged 8 to 13 to much older men came to light in Saudi Arabia and Yemen. Many more instances remain in the shadows because the girls are not able to go to court directly or do not know they have a right to challenge such marriages.

A case came to light in December 2008 regarding a girl aged 8, whose mother went to court to try to annul a marriage that her father had arranged with his close friend to settle the debts he owed that man. The girl had not been told she was married. A Saudi judge, Habib al-Habib rejected the mother's request saying she wasn't the child's legal guardian, the father was. (The issue of male guardianship of women creates a host of problems for women in Saudi Arabia, is part of *shari`ah*, but could be modified) The judge made the girl's husband pledge not to have sex with her until puberty and said that she could file a petition for divorce at that time (the original marriage agreement had stipulated that no consummation would take place until she was 18). The mother appealed the verdict in Riyadh, where the appeal court sent the case back to the same judge, who refused annulment a second time. At that point, UNICEF issued a statement and because of the girl's age, foreign media were interested, and finally the highest level of the government, the King intervened. The Minister of Justice told *al-Watan* newspaper that he plans to issue a law to protect children from such marriages. (CNN, Apr. 30, 2009)

Issuance of a law or an edict against child marriage in Saudi Arabia would probably have to begin with the King via the Majlis Ash-Shura which is consultative, and not a legislative body. If an edict or law then came from the Ministry of Justice, then, the marriage of a woman under 18 can be treated as a crime. Any action would have to be brought by a disagreeing relative until the woman reaches 18. The principle here would rest on the *shari'ah* stance that a woman cannot be forced into a marriage without her consent and the legal argument would concern an unenforceable contract *ab initio*.<sup>31</sup>

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Muslim conservatives have and will raise the following objections: 1) they consider the age of majority to be at puberty, and that since puberty can start as young as 9 years old, and the Prophet Muhammad (pbuh) married `A'ishah at that age, it is according to his sunnah, that girls can marry at that age. The Kingdom's grand mufti, Shaykh Abd al-Aziz al-Shaykh said in response to a question about forcing an underage girl to marry during a lecture he gave in January 2009, "A girl aged 10 to 12 can be married. Those who think she's too young are wrong, and they are being unfair to her" and that "we should know that *shari`ah* law has not brought injustice to women" as quoted by *al-Hayat* (CNN, 4/30/2009); 2) the girls did not dissent, or they assent (through silence) 3) it is not wrong for the parents to arrange a marriage, and the law or edict is enforcing Western style morality on a different population.

Also among Saudi women, the stigma against divorce is so strong that it will impede some from seeking to break marriage contracts.

## FGM

FGM is also a physical violation of women's bodies, which could be approached either through CEDAW or as torture, yet, in Egypt, the challenge is to fully criminalize the practice, following on years of merely medicalizing it (Zuhur, 2005, 120-121), enforce the criminalization, and change popular attitudes which regard it as a "good tradition," that inhibits girls/women's sex-drive, or purifies them.

In Egypt, the 1995 Egyptian Demographic and Health Survey showed that a far higher percentage of women are subjected to FGM than was previously admitted by the government, or many experts, at more than 97% of ever-married women. (This survey also examined attitudes towards wife-beating and found that nearly 86 % of the women in the survey thought that husbands were justified in beating their wives if, for instance they refused them sex, or were disobedient.) (Zanaty, et al., 1996) One problem has been the designation of so-called *sunnah* circumcision and that it is posed against other more severe forms of FGM also to be found in Egypt, yet needed to be understood as a form of FGM (and in Saudi Arabia, see below, this distinction is still made)

FGM is also practiced among Bedouin groups in the Sinai and southern Israel (al-Krenawi and Wiesel-Lev, 1999). A 2006 study (and others based on the same review) conducted at Ben Gurion University which claimed that FGM had disappeared into a symbolic act that hardly left a scar on the women examined.(Belmaker et al., 2009) As no large-scale physical study has been done of this population, it is not clear why this study of 132 subjects so contradicted the study done only seven years earlier on a smaller sample, (al-Krenawi and Wiesel-Lev) which included a Bedouin senior researcher and pointed to the private, women-supervised nature of the rite. In June of 2008 16 year old girl with genital hemorrhaging was rushed to the same Soroka hospital where Israeli clinicians reported the phasing out of FGM.(Guntaj, July 15, 2008) She was practically bleeding to death from a circumcision, so it appears that the practice does continue and it remains dangerous. It could be that as noted elsewhere FGM is practiced in different degrees of severity; or that the intent of Form I was botched, which is all the more reason not to label the continuation of Form I as merely a symbolic circumcision and not harmful.

There was an unenforced law against FGM in Egypt passed in the 1950s. Activist Nawal Saadawi shocked many by writing about the damage done to women in FGM in a 1959 book and then a book of essays. She then began writing fiction about violence against women (all banned in Egypt) which along with the activism of women's groups, and later, an umbrella organization against FGM kept the issue in the public eye; however most people discounted the severity or import of enforcing FGM criminalization. Many preferred to "medicalize" the rules, saying that families would circumcise their daughters no matter what, so it should occur in a medical facility with antibiotics. Doctors were permitted to carry out circumcisions but only on certain days, and they used their private clinics as well. A shocking film of FGM in 1994 led first to cries that the world was trying to embarrass Egypt, but finally after another death of a young girl, a Ministry of Health Act forbade the practice by medical practitioners and by non-medical personnel like midwives under Decree 261, (this had a loophole of "to be performed only in cases of disease" and when approved by the medical department head of obstetrics and gynecology and suggested by the treating physician). This was legally challenged up to the Court of Cassation and reinstated. Meanwhile FGM continued in informal and also in medical settings.

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The President's wife, Suzanne Mubarak and the highest Muslim and Coptic officials in Egypt backed a campaign against FGM beginning in 2003. The most recent action to regulate it is part of the new Child Law of 2008, which also permits the registration of children of illegitimate or irregularly married mothers. The amendment also contains a clause allowing the procedure "under medical necessity" which was inserted during the legislative debate. Since the Child Law was passed, a doctor who was circumcising a 12 year old girl who died of the anesthesia has been imprisoned. As with many legal reforms impacting women conservatives opposed the law. Activists know well that legislation without enforcement and a full-front media campaign won't have enough of an impact. They have had momentum for a year, and hope to retain it. But in Egypt, the danger will be non-enforcement, that given the contempt for regulations, people will find a way to find personnel who will authorize "medical necessity," or that girls may be subjected to FGM at younger ages.

The El-Nadim organization has recently carried out a large-scale study showing a high prevalence of family violence (79%) and it also measured women's attitudes towards a law against domestic violence (which 84% approved) of and various positions on FGM. Many more women than earlier appeared to oppose FGM and also spoke out about sexual harassment which had become an issue in the media. (El Nadim, 2009).

FGM is an issue in Jordan, however it gets relatively little attention. In Kurdish Iraq, it was a somewhat shocking discovery as it hadn't received publicity before. NGOS have reported high incidences, that in some cases, men force their wives to undergo FGM and they have instituted various programs to get religious authorities to explain that it is not required in Islam. There is no specific Iraqi law against it.

In Saudi Arabia, as mentioned above, it is often denied that there is a significant amount of FGM; it is attributed to immigrants, or said it only occurs in the south, or in the north. One reason for various disputes is that many do not consider what they call Islamic circumcision, or sunnah circumcision to be FGM. Dr. Nasr Khabbaz, a pediatric surgeon at the Children and Maternity Hospital claimed that "Islamic circumcision must be differentiated from these other forms," and that it did not hurt women because "Islam would not allow something harmful." Thus he did not consider it mutilating to remove the prepuce of the clitoris and/or the tip of the

clitoris and said that surgery was what was commonly performed “here.”(Akeel, 2005). Obviously, beyond this physician’s stance, there is a dispute about how damaging the practice actually is, how much of the clitoris is removed, and that it is in fact a form of FGM which may cause complications.

Two doctors in Saudi Arabia studied 260 women who were patients of the obstetrics and gynecology clinic at King Abdulaziz University Hospital between February 2007 and March 2008. Half had been subjected to FGM and half had not. They found that women’s arousal, sexual satisfaction and ability to achieve orgasm was affected by FGM. Critics of their study claimed that the incidence of FGM is still unknown and that they had included immigrant as well as Saudi women in the study. (Guardian.co.uk Nov. 13, 2008).

In Yemen, high figures of FGM have been revealed. Here a second problem is that FGM is often performed on babies, and also parents use compresses with sand, oil and herbs on baby girls genitals to try to keep the organs from forming too prominently. This practice is believed to damage the nerves. . In addition, FGM in forms I, II and III are also performed. When FGM in form I (or II) is performed on baby girls at home 7 to 10 days after birth, many mothers said the girls died, but their deaths weren’t recorded (al-Ariqi, June 12, 2006). There is quite a bit of denial about the practice – some contradicted the levels in the San`a area, or said FGM mainly occurred in the south and on the coast, or only due to African immigrants as has been alleged about Saudi Arabia (although it also appears in the north).

### **Legal Responses**

New legislation and amended legislation has addressed some of the practices mentioned. Troubling is the fact that few are being charged for FGM for instances and that those who commit honor crimes are not charged, dealt with extralegally, or still excused under different articles. In other cases, new legislation is needed but with teeth. A Healthy Ministry edict in Yemen that does not go after parents, doctors and circumcises is unlikely to be effective, and unfortunately, it is easier to conceal actions taken against infants than older girls, so special social workers, home visits, appear to be needed.



Other practices that greatly harm women were not examined here, but they do impact the treatment of these issues. For example, polygamy was not one of the issues we were asked to examine, but as a threat wielded against women, it discourages many women from seeking better treatment. Spousal abuse and polygamy frequently combine. The high value attributed to virginity is no safeguard for women in some areas where polygamy is more frequent, but since divorced women are so devalued, it is said and believed they more frequently accept being “second wives.” Intense physical violence against women in the family that does not involve matters of sexual honor should also greatly concern international organizations and national governments.

With the specific problems discussed, more coordination with religious officials and preachers could be useful. In Egypt, a man declared that the new Child Law is due to “foreign influence” and vowed to circumcise any of his future daughters despite the law. Even though Gamal al-Banna (the son of Muslim brotherhood leader, Hasan al-Banna), and the Shaykh al-Azhar declared FGM un-Islamic, other Muslim clerics consistently preach that it is an Islamic practice, and many ordinary Muslims disagree with the new legal amendment (Media Line, 2009). This is similar to problem of clerics who preach that men have the right and duty to beat their wives (but just don’t leave any marks, or break bones). The comments of the Saudi pediatric surgeon above, illustrate how difficult it will be to re-label a practice currently thought of as being Islamic. However, there is no good reason to accept sunnah circumcision or intermediate forms; that was the basic logic pursued in Egypt which was ineffective, the best practice for women would be to eliminate all forms of FGM and make sure they are considered as such.

Surveys that give us an idea of men’s attitudes or better yet programs that involve them in more proactively defending their daughters or wives rights would be wonderful, given some of the attitudes and denial of misdeeds that prevail with regard to early marriage, honor crimes, FGM or violence against women in general (Personal interviews, 2008). It is unclear how men’s and families’ participation in programs designed to change attitudes and behaviors will come about if not mandated by governments.

**Sources:**

Abdel Sater McCracken, Mirella. "Seeking Justice for Physical and Sexual Violence against Women in Lebanese Society." *The Status of Women in Lebanese Legislation. Al-Raida*. Vol. XXIII, Nos. 111-112, Fall/Winter, 2005-2006. 43-47.

Abu-Nasr, Donna. "Rape Case Calls Saudi Legal System into Question After Victim Punished by Judge." *Associated Press*, November 21, 2006.

Abu Odeh, Lamia. "Crimes of Honour and the Construction of Gender in Arab Societies," in Mai Yamani, ed. *Islam and Feminism: Legal and Literary Perspectives*. Reading, Berkshire, UK: Ithaca Press and Centre for Islamic and Middle Eastern Law, University of London, 1996.

\_\_\_\_\_. "Feminism, Nationalism, and the Law," SJD thesis, Harvard Law School, 1993

Akeel, Mona. "Female Circumcisions: Weight of Tradition Perpetuates a Dangerous Practice" *Arab News*, March 20, 2005.

Ammar, Nawal. "Wife Battery in Islam: A Comprehensive Understanding of Interpretations." *Violence Against Women*. Vol. 13, No. 5, May 2007, pp. 516-26.

\_\_\_\_\_. "In the Shadows of the Pyramids: Domestic Violence in Egypt." *International Review of Victimology*. 7: 1-3, 2000, 29-46.

Amnesty International. "Iraq: Decades of Suffering, Now Women Deserve Better." 2005.

Al-Ariqi, Amel. "Female Genital Mutilation, The Taboo Subject." *Yemen Times*. Issue 954, Vol. 14, June 12 2006 to June 14, 2006.

Arrabyee, Nasser. "Yemen to Fight Female Genital Mutilation." *Gulf Times*. June 27, 2008.

"Brutal Irony in New York Woman Beheading." *CBS News*, February 17, 2009. Available at <http://www.cbsnews.com/stories/2009/02/18/national/main4808738.shtml>

Chulov, Martin. "Yemen." Add exact title *The Australian*, December 11, 2006. <http://www.theaustralian.news.com.au/story/0,20867,20905717-2703,00.html>

Freedom House. "Egypt" In *Freedom of the World 2004*. <http://www.freedomhouse.org/research/freeworld/2004/>

Guardian.co.uk. Science Blog. "Female Genital Mutilation Denies Sexual Pleasure to Millions of Women." November 13, 2008.

Guntaj, Nir. "Bedouin Women in Israel are Still Being Circumcised." Y-Net and Israel News, July 15,

Haj-Yahia, M.M., and Baerwald, P. "Wife Abuse and its Psychological Consequences as Revealed by the First Palestinian National Survey on Violence Against Women." *Journal of Family Psychology*, 13, 1999, 642-662.

Halila, S. Belmaker, R.H., Rabia, Y.A., Froimovici M. and Applebaum, J. "Disappearance of Female Genital Mutilation from the Bedouin Population of Southern Israel." *Journal of Sex Medicine*, 6, 70-73.

Hardy, M.J.L. *Blood Feuds and the Payment of Blood Money in the Middle East*. Leiden: Brill, 1963.

Harris, Ellen. *Guarding the Secrets: Palestinian Terrorism and a Father's Murder of His Too-American Daughter*. New York: Charles Scribner's Sons, 1995.

Al-Hayani, Fatima Agha. "Legal Modernism in Iraq: A Study of the Amendments to Family Law." Ph.D. diss. University of Michigan, Ann Arbor, 1993.

Hayasaki, Erika. "Beheading Shines Light on Domestic Violence." *Los Angeles Times*. April 24, 2009.

Human Rights Watch. "Egypt" Women's and Children's Rights. *World Report*, 2008.

\_\_\_\_\_. "A Question of Security: Violence Against Palestinian Women and Girls." *HRW*, Vol. 18, No. 7E, November 2006.

\_\_\_\_\_. "*Honoring the Killers: Justice Denied for Honor Crimes in Jordan*." Human Rights Watch, April 2004.

\_\_\_\_\_. "Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad." Vol. 15 No. 7 E July 2003.

Husseini, Rana. "'Crimes of Honor': One Year In, Amendments to Article 340 Appear to Have Made Little Difference," *The Jordan Times*, December 22, 2002 available at [http://www.amanjordan.org/english/daily\\_news/wmprint.php?ArtID=570](http://www.amanjordan.org/english/daily_news/wmprint.php?ArtID=570)

Iraq Legal Development Project. "The Status of Women in Iraq: An Assessment of Iraq's De Jure and De Facto Compliance with International Legal Standards." Washington, DC and Amman: American Bar Association

Joseph, Suad, ed. *Gender and Citizenship in the Middle East*. Syracuse: Syracuse University Press, 2000..

Kafa. "Towards Protection of Women from Family Violence: About the Family Violence Bill." 2009. <http://protect.kafa.org.lb/?q=about-family-violence-bill>.

Kanafani, Afaf. *Nadia, Captive of Hope: Memoir of an Arab Woman*. New York and London: M.E. Sharpe, 1999.

Al-Khayyat, S. *Honour and Shame: Women in Modern Iraq*. London: Saqi Books, 1993.

Al-Krenawi, Alean and Wiesel-Lev, Rachel. "Attitudes toward and Perceived Psychosocial Impact of Female Circumcision as Practiced Among the Bedouin-Arabs of the Negev." *Family Process*, 38: 4, 1999, 431-43.

Mahmood, Tahir et al., *Criminal Law in Islam and the Muslim World: A Comparative Perspective*. Delhi: Institute of Objective Studies, 1996.

Land Center for Human Rights. "Violence Against Egyptian Women in the First Half of 2007." Economic and Social Rights Series, Issue No. 57, September 2007.

\_\_\_\_\_. "Violence Against Children in the Eye of the Egyptian Press." Economic and Social Rights Series Issue No. 41, September 2006.

\_\_\_\_\_. "Violence Against Egyptian Women During the Second Half of 2005." Economic and Social Rights Series, Issue no. 43, February 2006.

Mayton, Joseph. "Egypt Wrestles with 'Female Genital Mutilation'" *The Media Line*, April 13, 2009.

Nadim Centre. "Once Again Women Speak Out: Results of a Field Research on Violence against Women in Egypt, 2009.

Naffa, Layla, al-Dabbas, Fatima, Jabiri, Afaf, al-Emam, Nour. Karama Network of Jordan, Coordinators. "Shadow NGO Report to CEDAW Committee Jordan: Evaluation of National Policy, Measures and Actual Facts on Violence against Women. July 2007.

Nelson, Soraya Sarhaddi. "Mother Kills Raped Daughter to Restore 'Honor'." *Seattle Times*, November 17, 2003.

Personal interviews. Men from Kafr El Dawwar. 2008-9.

Reuters, "Yemen Government Body Moves to Stem Female Genital Mutilation." September 7, 2008.

SAPA-AFP, (ANC Daily News Briefing and other sources). “Almost Half of Egyptian Wives Beaten: Study” Cairo: SAPA-AFP, 25 November 2008.

Shalhoub-Kevorkian, Nadera. “The Politics of Disclosing Female Sexual Abuse: A Case Study of Palestinian Society,” *Child Abuse & Neglect*, Vol.23, No.12 (1999).

Singerman, Diane and Ibrahim, Barbara. “The Cost of Marriage in Egypt: A Hidden Variable in the New Arab Demography and Poverty Research.” Special Edition on the ‘The Arab Family,’ Nick Hopkins, ed. *Cairo Papers in Social Science*, 24, Spring 2001.

Sonbol, Amira “Rape and Law in Modern Egypt,” In Pinar Ilkkaracan, ed., *Women and Sexuality in Muslim Societies* (Istanbul: WWHR-New Ways, 2000)

Zanaty, F.K., Hussein, E.M., Shawky G.A., Way, A.K., and Kishor, S. Egypt: Demographic and Health Survey 1995. Calverton: National Population Council and Macro International, 1996.

Zuhur, Sherifa. “Criminal Law, Women, and Sexuality in the Middle East,” in Pinar Ilkkaracan, ed. *Women and Sexuality in the Middle East*. Aldershot, UK: Ashgate, 2008.

\_\_\_\_\_. *Iraq, Women’s Empowerment and Public Policy*. Carlisle: Strategic Studies Institute, 2007.

\_\_\_\_\_. *Gender, Sexuality and the Criminal Laws in the Middle East and North Africa: A Comparative Study*. Istanbul: Women for Women’s Human Rights, 2005.

\_\_\_\_\_. “Empowering Women or Dislodging Sectarianism? Civil Marriage in Lebanon.” *Yale Journal of Law and Feminism*. Vol. 14. No. 1, 2002.

Zulficar, Mona. *Al-Mar’ah al-Misriyya fi-`alam mutaghir*. Cairo: Rasa’il al-Nisa al-Jadid, n.d.

<sup>1</sup> David Gilmore, ed. *Honor and Shame and the Unity of the Mediterranean*. (Washington, D.C.: American Anthropological Association, 1987); D.G. Bates and Amal Rassam, *Peoples and Cultures of the Middle East* (New York: Prentice-Hall, Inc., 1983), 211-239.

<sup>2</sup> Sherifa Zuhur, “Honor,” *Dictionary of the History of Ideas*. (New York: Charles Scribner, 2005).

<sup>3</sup> Women for Women’s Human Rights - New Ways, *The New Legal Status of Women in Turkey*, (Istanbul: WWHR, 2002) 56.

<sup>4</sup> Iranian Penal Code Article 100. The flogging of an adulterer shall be carried out while he is standing upright and his body bared except for his genitals. The lashes shall strike all parts of his body – except his

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face, head and genitals – with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body. Article 102. The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts. Iranian Penal Code Article 74. Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women. Article 75. If adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women. Article 76. The testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act.

<sup>5</sup> Lama Abu-Odeh, “Feminism, Nationalism, and the Law,” (SJD thesis, Harvard Law School, 1993).

<sup>6</sup> The *mahram*, must control the *maharim*. The *maharim*, a man’s female relatives who are so closely related to him that he is forbidden to marry them – hence, the translation “unlawful.”

<sup>7</sup> Abu-Odeh, “Feminism, Nationalism, and the Law,” 52-53; Abu-Odeh, “Crimes of Honor and Construction of Gender in Arab Societies.” In Pinar Ilkkaracan, ed., *Women and Sexuality in Muslim Societies* (Istanbul: Women for Women’s Human Rights - New Ways, 2000), 363 – 380.

<sup>8</sup> As in Syrian Penal Code Article 548.

<sup>9</sup> More than 400 in 1997, Douglas Jehl, “Arab Honor’s Price: A Woman’s Blood,” *Polyzine*, (June 20, 1999), a “high number” <http://polyzine.com/arabwomen.html> (last visited 3/01/03)

<sup>10</sup> 461 honor killings were reported in 2002,

<sup>11</sup> Kim Ghattas, “Beirut Hosts Honour Killing Conference.” *BBC News*, 2001.  
[http://news.bbc.co.uk/2/hi/middle\\_east/1328238.stm](http://news.bbc.co.uk/2/hi/middle_east/1328238.stm)

<sup>12</sup> Suzanne Hammad, “Violence against Women: Honor Crimes in Jordan.” *Civil Society: Democratization in the Arab World* 7, no. 44, December 1998.  
<http://www.ibnkhaldun.org/newsletter/1998/dec/essay2.html> (last visited 24 February 2004) also see Kerry Kennedy Cuomo, “Honor Killings,” *Speak Truth To Power: Voices from Beyond the Dark*, (October 8, 2000) Public Broadcasting Service (PBS), <http://www.pbs.org/speaktruthtopower/rana.html> and Suzanne Ruggi, “Commodifying Honor in Female Sexuality: Honor Killings in Palestine.” *Middle East Report*, No. 206. Vol. 28, No. 1, (Spring 1998).

<sup>13</sup> “Honoring the Killers: Justice Denied for Honor Crimes in Jordan.” *Human Rights Watch*, April 2004.

<sup>15</sup> Hizbullah’s mediations were mentioned by Nizar Hamzeh, “Lebanon’s Hizbullah: From Islamic Revolution to Parliamentary Accommodation,” *Third World Quarterly*, Vol. 14, No. 2, 1993.

<sup>16</sup> Rana Hussein, “‘Crimes of Honor’: One Year In, Amendments to Article 340 Appear to Have Made Little Difference,” *The Jordan Times*, December 22, 2002 available at [http://www.amanjordan.org/english/daily\\_news/wmprint.php?ArtID=570](http://www.amanjordan.org/english/daily_news/wmprint.php?ArtID=570)

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<sup>17</sup> RCC Order No. 6, 2001. Considering the killing of one's wife or a close female relative (muharam) for reasons of honor a mitigating factor under law. Subject to the conditions of clause (1) of Article 42 of the Constitution, the Revolutionary Command Council decided the following: First: For the purpose of implementing Article 130 of the Penal Code No. 111 of 1969 it shall be a mitigating factor if a man kills his wife or muharam for honor reasons or if one of the relatives of the deceased woman killed the one who imputed dishonor to any of them by making reference to her disgraceful deed which she was killed for. Second: Anyone who intentionally and for the purposes of revenge of the deceased kills the killer specified in the first clause shall be punished by execution. No legal excuse or mitigating factor shall apply to him, and he will not be entitled to any partial or general pardon. Third: Anyone who, in accordance with tribal procedures, issues a ruling or attempts to issue a ruling in relation to the crimes referred to in the first and second clauses of this decision shall be imprisoned for not more than seven years and not less than three years. Saddam Hussein. President of the Revolutionary Command Council. (ILDP, 2005, 35)

<sup>18</sup> Amal Rassam, "Revolution within the Revolution? Women and the State in Iraq." in Tim Niblock, ed., *Iraq: The Contemporary State* (London: Croom Helm, 1982), 98.

<sup>19</sup> Marlyn Tadros, "Like a Match Stick," *Al-Ahram Weekly Online*, Issue No. 573 (14 - 20 February.).

<sup>20</sup> Law No. 14, Article 1: It is no longer possible to refer to articles 128, 130 and 131 of Penal Code No. 111 of 1969 as a pretext for the clearance of one's family honour through an act of murder.

<sup>21</sup> Joshua Kucera, "Political Changes Reduce Kurdistan Honor Killings," July 7, 2002 Womens e-News. <http://www.feminist.com/news/news64.html> (last visited 1/03/04)

<sup>22</sup> H. Siddiqui, "The Ties that Bind," In *Index On Censorship*, No.1. (2000): 50-53; "Two Given Life for Honour Killing" *BBC News*. July 14, 2006 [http://news.bbc.co.uk/2/hi/uk\\_news/england/london/5179162.stm](http://news.bbc.co.uk/2/hi/uk_news/england/london/5179162.stm)

<sup>23</sup> The FBI was monitoring the family, suspecting a link to the Abu Nidal group. Ellen Harris, *Guarding the Secrets: Palestinian Terrorism and a Father's Murder of His Too-American Daughter* (New York: Charles Scribner's Sons, 1995).

<sup>24</sup> See numerous articles in *The Plain Dealer*, *Sun News*, *TriState Digest*, and *Newsnet 5* (1999-2000).

<sup>25</sup> Dina Abdulrahim, "Gender and the Policies of Exile: Palestinians in West Berlin," In Chibli Mallat and Jane Connors, eds., *Islamic Family Law* (London: Centre of Islamic and Middle East Law, at the School of Oriental and African Studies, 1990, 194-195).

<sup>26</sup> *Washington Post*, 2 February 2000, cited by Yotam Feldner, "Honor' Murders – Why the Perps Get off Easy," <http://www.ourjerusalem.com/arabpress, 04/16/2001> (last visited 02/07/2003).

<sup>27</sup> Shaykh Humayd al-Sufi of the Tarrabin tribe of Rafah said the blood payment for a woman should be four times that of a man. M.J.L. Hardy, *Blood Feuds and the Payment of Blood Money in the Middle*

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*East*.(Leiden: Brill, 1963) 84, 94; also see Joseph Ginat, *Blood Revenge: Family Honor, Mediation, and Outcasting* (Brighton, England: Sussex Academic Press, 1997).

<sup>28</sup> As in Pakistan's Hudud Ordinances Article 16. Compounding of *qisas* in *qatl-l-'amd* (5) *Badal-i-sulh* may be paid on demand or on a deferred date as may be agreed upon by an offender or the convict and the *wali*(legal guardian). Provided that the offer by the accused for the hand of a girl in marriage to the deceased's wali shall not be a valid condition of agreement for the compoundability of the offence. Appendix, "Text of Pakistan's Hudud Ordinances." Tahir Mahmood, "Reform of the Indian Penal Code in Pakistan to Enforce Islamic Criminal Law," In Mahmood et al., *Criminal Law in Islam and the Muslim World*, 471 Qisas is the second category of offense in Islamic law, so this too refers to a payment for a qisas infraction.

<sup>29</sup> Tribal Courts Law of 1936 (Palestine). Tribal courts are forbidden to approve the handing over of girls by way of "diya," however the practice continued among some tribes. Hardy, *Blood Feuds*, 86.

<sup>30</sup> Amnesty International Press Release, "Pakistan: Tribal Justice System Must Be Abolished or Amended," (19 August, 2002).

<sup>31</sup> Personal communication from Riyadh, May 15, 2009.