

Día Internacional de la Eliminación de la Violencia contra la Mujer

Esta edición de Múltiples ha sido preparada por el Grupo de Gobernanza y Justicia en conmemoración de éste día internacional. El 25 de noviembre fue el día reconocido para eliminar la violencia contra la mujer en 1981. La fecha conmemora los asesinatos de tres hermanas activistas en la República Dominicana en 1960, bajo las órdenes de Rafael Trujillo. En 1993 la Asamblea General de la ONU adoptó la Declaración sobre la Eliminación de la Violencia contra la Mujer.

Desafortunadamente la violencia contra las mujeres sigue siendo frecuente en nuestro mundo moderno y patriarcal. Mientras que las creencias socio-culturales pueden contribuir al abuso de poder masculino sobre las niñas y las mujeres, ningún país, cultura etnia, o clase es inmune al problema. A pesar de que ningún grupo social está protegido contra la violencia masculina contra las mujeres, los estudios confirman que las niñas y las mujeres en situaciones de mayor vulnerabilidad - debido a la pobreza o experiencias de conflicto armado - representan los más altos índices de violencia de género. Se ha demostrado que la falta de oportunidades y opciones de vida contribuyen a su mayor vulnerabilidad e incapacidad para escapar de situaciones de abuso.

El hecho de que el abuso, ya sea económico, emocional, sexual o físico, se produce con mayor frecuencia en el ámbito privado, las sociedades tienen el desafío de responder con diversas iniciativas. Esta edición de Múltiples presenta innovadores esfuerzos para combatir la violencia contra las mujeres en cuatro países de tres continentes. Kristina Karppinen, consultora del JGG, entrevistó a la galardonada defensora Norma Cruz en Guatemala y Tenille Brown, ex pasante del JGG en derechos humanos, describe el proceso de reforma legislativa encabezada por el movimiento de mujeres en Swazilandia. Talah Qdah, Director del Centro de Desarrollo Comunitario en Ammán, Jordania, comparte información sobre las acciones de las mujeres para involucrar a los hombres en actividades destinadas a prevenir la violencia contra la mujer y finalmente Samah Saleh explica como un grupo de mujeres enfrentó este tipo de violencia en una comunidad rural en Cisjordania.

International Day for the Elimination of Violence against Women

This issue of Multiples was prepared by the Just Governance Group to mark this international day. November 25 was identified as the day to end violence against women in 1981. The date marks the 1960 assassination of three sisters in the Dominican Republic on orders of Rafael Trujillo. In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women.

Unfortunately violence against women continues to be prevalent in our modern, and patriarchal, world. While socio-cultural beliefs may contribute to male abuse of power over girls and women, no country, culture, ethnicity or class is immune to the problem. Despite the fact that no social group is protected from male violence against women, studies confirm that girls and women in situations of heightened vulnerability due to poverty or armed conflict experience higher rates of gender-based violence. The lack of opportunities and life options has been shown to contribute to their increased vulnerability and inability to escape the abusive situation.

The fact that abuse, whether economic, emotional, sexual or physical, most often occurs in the private sphere challenges societies to respond with multi-faceted initiatives. This edition of Multiples profiles innovative efforts to address violence against women in four countries on three continents. Kristina Karppinen, JGG consultant, interviewed award winning advocate Norma Cruz in Guatemala and Tenille Brown, former JGG human rights intern, describes the law reform process spearheaded by the women's movement in Swaziland. Talah Qdah, Director of the Community Development Centres in Amman, Jordan, shares information about women engaging men to prevent violence against women and finally, Samah Saleh explains how women took action to deal with violence against women in a rural West Bank village.

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Women bring ‘Men on Board’ to combat violence against women in Jordan

Talal Qdah

When twelve men crowded into the living room at the home of the local Mukhtar, a respected community figure, in the Sweileh neighbourhood of Amman for a discussion about violence against women, a major taboo had been broken.

It was a long road traveled to get to that first meeting of the ‘Men on Board’ project, launched by the Sweileh Community Development Centre (CDC), one of a network of rights-based community practice (RBCP) centres operating in the Middle East as part of the McGill Middle East Program in Civil Society and Peace Building. It was October 2007 but the story began long before, in the year 2000 when the CDC first opened the doors of its storefront advocacy centre.

Rights-Based Community Practice

One of the cornerstones of the RBCP model, developed in the 1970s by Prof. Jim Torczyner at McGill University in Montreal, is the storefront. According to the model, the means are as important as the ends: the right of low income people to participate in processes and decisions that affect their lives, as individuals and communities, is as important as gaining access to the rights themselves. The process is participatory, and by promoting relationships among people of diversity, especially the disadvantaged, both within and between societies, people

About the Author

Talal Qdah is Executive Director of the Community Development Centres in Amman Jordan. The centres operate in Sweileh and Ashrafiyeh neighbourhoods. In collaboration with the Jordan Red Crescent, the **Ashrafieh Community Development Centre** was launched in the marginalized East-Amman neighbourhood in 2008. Working in close collaboration with the staff of the Sweileh CDC, this new centre reached more than 6000 disadvantaged persons within the first 6 months of opening its doors in mid-2008. This followed a year of community needs assessment and outreach to the local community. Founded in a neighbourhood rich in diversity, from Armenian and other Christian minorities to a Palestinian refugee camp, the centre has rapidly launched innovative women’s economic empowerment programs through its women’s club and in influencing and supporting the municipality in a major cleanup of the neighbourhood. The active men’s, women’s, youth, and other neighbourhood steering committees keep the centre’s activities in tune with the community’s needs as it grows. The centre is now growing from a single storefront location to three storefronts across Eastern Amman.

are ultimately empowered to find common ground and create social change.

The storefront serves as a walk-in centre providing immediate information, referral and advocacy in accessing entitlements and receiving existing services. It is staffed by social work students and trained community volunteers, most of whom initially came in as clients themselves. The storefronts deal with the issues based on the needs of residents, identified by the residents themselves.

Since the CDC’s earliest days in its welcoming yet unassuming storefront, most of its clients have been women. The neighbourhood of 35,000 is plagued by high illiteracy, inadequate housing, a lack of suitable recreational space for children, and other poverty-related issues. Citizens come in to attend literacy and health workshops, to learn computer skills and to seek help in accessing entitlements, such as health benefits, social insurance payments, home repairs, and more. Storefront volunteers, trained to look for patterns in the types of issues clients are grappling with, began to notice, in 2002, that a great many women were divorced or had been abandoned by their husbands and were facing challenges with family visitations.

Domestic violence and family breakdown

In Jordan, weekly visitation privileges are guaranteed by law for the non-custodial parent. Traditionally, these visits take place in local police stations. One woman explained that “at the station they give you chairs but it is very uncomfortable and hard on the children. When they see the uniforms and the guns they are afraid.” The director of the CDC, together with staff and volunteers, came up with a plan. Due to their place in the community they had developed good relations with the police services and with the Islamic courts through their interventions on behalf of members of the community. They devised an implementation plan whereby family visitations could be carried out in the CDC, in a bright and colourful room filled with toys, under the supervision of social workers from the centre. The police welcomed the plan with open arms and a mere two weeks after CDC made the pitch, the official documentation was processed and family visitations were underway. Today there are three locations around Amman for family-friendly visitations serving nearly 300 families.

The family visitations introduced the participants to more of the centre’s activities and women from across the neighbourhood began to feel more and more at home in the CDC. They started to open up about other issues they were facing. It then emerged that many of the women coming to the visitations were also victims of domestic violence. They began to talk with the volunteers about

putting together lectures on women's rights and violence against women. This was in 2004 and the Violence Against Women (VAW) pilot project for education, awareness, and advocacy was born. Funded by UNIFEM, the project aimed to address issues concerning gender and women's rights. The project also aimed to create support structures for abused women in Sweileh and encourage greater dialogue on violence against women.

Women educating women

It was a great success. Eight women from the neighbourhood, who had suffered from abuse, were trained as field officers, undertaking intensive three-day workshops that prepared them to lead home dialogue groups on violence. Most of the women had never been in a position of leadership but they came into their own and conducted an intense grassroots campaign, holding 108 home dialogue groups over the course of a year, engaging in very effective awareness raising. For the first time in Sweileh, women began to discuss issues regarding violence, organizing amongst themselves to tackle the issues and devise collective interventions in individual cases.

They garnered media attention, in both English and Arabic; they launched a workshop series entitled "What is Gender?" There, women examined the definition of gender, the difference between gender and sex, gender roles, and the role of society, culture, and religion in defining gender. Generally, the participants had never been exposed to the terminology, nor could they differentiate between gender and sex. They equated biological with social definitions. They also published a brochure on violence against women; they got duty-bearing organizations, such as the government's Family Protection Department, to support their efforts; they developed a database of abuse victims in the neighbourhood, mapping the problems faced, and they reached nearly 1500 people through their efforts. But they had one goal that was not met by the project. They had wanted men to learn and to understand what they were learning about women's rights within Islam, in society and in their own families. The women in the project, especially the field officers, were adamant that without educating men about family violence, it would not go away...

For months they tried to interest men in particular workshops but to no avail. The men's responses ranged from indifference to scepticism to outright insults and rejection. The CDC staff, concerned that men's adversity could prove an obstacle to the participation of women in the project, halted the outreach. It was only toward the end of the year, at a meeting of the field officers, that participants demanded that awareness raising for men be reinstated, starting with their husbands, and they would not back down. They devised a way to make it work.



Women organizing at CDC in Amman.

Photo by Kimberly Inksater

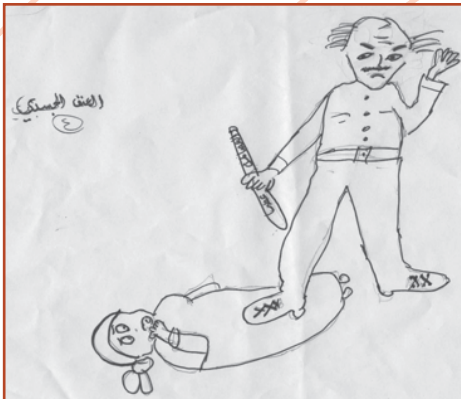
Bringing men on board

One very successful feature of the Violence Against Women project was the integration of a religious figure into the sessions. A deeply respected Sheikh from the neighbourhood gave a series of talks on the rights of women within Islam. Sweileh is for the most part a religious community and this provided the project and its activities with important religious support and legitimacy in the community. Many women participants had believed that Islam condones physical force as a means of disciplining women and the Sheikh was able to allay their fears of going against religious mores. In order to involve men in the project, it was the Mukhtar's wife who argued most passionately for the need to educate men and she convinced her husband to both invite the participants and hold the first session in their home – an invitation from the Mukhtar is not to be refused.

And with that first session, in the home of the Mukhtar, following more than a year of work by the field officers in reaching out to women in the community, men were on board. The plan was to slowly and without angering participants, assist the men in beginning to look at issues of mutual respect in the family, women's right to work and education, as well as the equality of women in Islamic society.

In the first phase of the project, sessions were held in the home of the Mukhtar, led by Sheikh Qawasmi, who also undertook earlier workshops with the women. He would draw on religious texts to explain the financial rights of women, inheritance rights, household stability and mutual respect between husbands and wives. Beginning with a focus on economic rights allowed participants to begin to see that there are various forms of violence beyond the physical and the sexual. Economic violence would lead women to be denied their inheritance, and in the process become more and more dependent on their husbands for their livelihood. The Sheikh would explain that in the Quran it is clearly stated that women are entitled to a share of the inheritance. Social and cultural norms are a main force in depriving women of their family wealth, for fear that they would pass on their share to husbands and children and ultimately to strangers. By the end of the series of lectures focused on economic rights participants acknowledged the importance of fair treatment for women and their

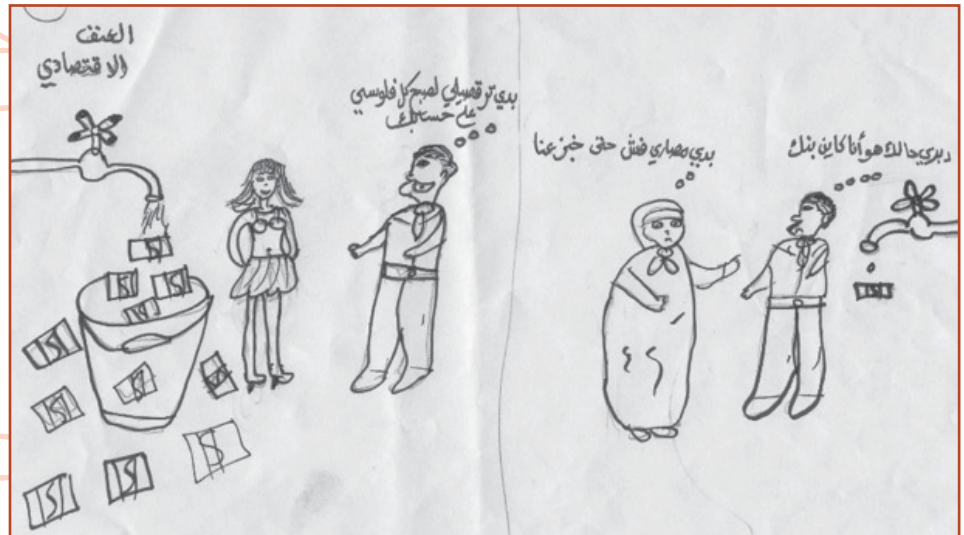
Caricatures depicting types of violence against women



Physical Violence

On the stick is written:
"The stick for whomever disobeys."

Caricatures by a CDC field support officer



Economic Violence

Right Hand: A tap releases a drop of money while a wife asks her husband, "I need money. We don't even have bread." To which the husband replies, "Sort yourself out. Do I look like a bank?".
Left Hand: The tap is now pouring money and the same husband is in a night club. He tells a dancer, "I want you to dance for me till the morning for all the money I have is at your disposal."

right to access financial resources. They committed to giving their wives, sisters and daughters their fair shares for their inheritance.

As the year advances, so do the topics of discussion, moving on to "Family Problems and how to control them", exploring the roots of marital problems and possible solutions, mostly through improved communication, as well as mutual respect. In order to amplify the reach of the project, beyond the small workshop group, special sessions were arranged to target the elderly in the community as their opinions are highly valued and command respect. Forty elderly residents became ambassadors for the ideas of women's equality across the neighbourhood.

Beyond the Mukhtar and Sheikh, the local Imam, the high school principal, and other key lay leaders were brought on board over the course of the year, so much so that the final session of the Men on Board pilot year was held in the local high school, with student volunteers helping with the organizing, and beginning to educate the youth on issues of violence against women. The session, which drew some 40 community members, focused on "Marriage and how to choose the right partner". Married couples even attended this session together, openly discussing their own problems and offering advice.

All in all, according to Talal Qdah, the executive director of the CDCs in Jordan, the Men on Board project has been an important model that will be launched in January 2011 in the second CDC location in Ashrafieh, to bring more men on board. He expressed optimism as well that alongside the important organizing at the grassroots and community level to combat violence against women, new legislative opportunities are arising as well. "There has not been much change in legislation to protect women but

there has been very serious work on the ground and in the political system to bring change. Social change is a very slow and long process. Now, for the first time in Jordan, with the new Parliament sworn in last week, there will be thirteen female legislators, while before there were only six (the first time a woman was elected to parliament was in 1993). This is a wonderful opportunity to address issues of women's rights."

Rights-Based Community Practice Centres

Professionally managed, academically linked and volunteer driven, **McGill's Middle East Program in Civil Society and Peace Building** eleven rights-based community practice (RBCP) centres bring together the best of university expertise and local residents to empower the disadvantaged. They show, by example, that it is possible to move beyond old religious and political differences and work together to forge common purpose. A broad array of social and legal interventions such as housing and legal rights and rehabilitation; youth empowerment and education; programs for women victims of violence; care and access for the disabled, sick and elderly; referral services; outreach; public education; government policy research; and more, ultimately lead to individual and community empowerment. The principles of accessibility, reciprocity, universality and inclusion provide the guiding ideology, and are advanced through all of the activities undertaken.

La violencia contra la mujer no tiene ideología ni fronteras

Guatemala: Entrevista realizada por Outi Kristina Karppinen del Grupo de Gobernanza y Justicia a Norma Cruz, fundadora de la Fundación Sobrevivientes que desde hace 10 años lucha en favor del acceso a la justicia para mujeres víctimas de violencia de género. Norma Cruz ganó el "Premio Internacional a las Mujeres Coraje" en 2009 y fue elegida personaje del año 2009 por el diario nacional Prensa Libre. Fue nombrada entre las 100 personas del año por el diario El País de España por su trabajo jurídico-social en favor de los derechos de la mujer y sobrevivientes de la violencia de género.



Norma Cruz de Fundación Sobrevivientes.
Foto por Kristina Karppinen

¿Cómo inició sus actividades la Fundación Sobrevivientes?

Nace a raíz de la violencia que vivió mi hija. Fui revolucionaria de la guerrilla durante 26 años y soy viuda del papá de mi hija.

Durante los años de lucha sacrificamos mucho por la ideología y para recompensar algo de esos sacrificios, tenía la ilusión de darle a mi hija la celebración de sus 15 años. Esta celebración detonó en ella un proceso que la llevó a contarme lo que le estaba pasando: mi compañero de lucha revolucionaria, con quien tengo un hijo en común, violentó a mi hija desde que ella tenía 7 años,

hasta los 14. Fue una experiencia dura... la violencia sexual era práctica del ejército, del enemigo, uno no esperaba encontrar eso en alguien en quien confiaba.

Después de la firma de la paz en 1996, iniciamos junto con mi hija la búsqueda de justicia. En 2 o 3 años logramos llegar a un juicio, y mi ex-compañero - quien hoy en día es asesor de la presidencia - fue condenado a 10 años de prisión. Fue el primer caso de esa naturaleza, de alto impacto en Guatemala. No había experiencia ni práctica para presentar bien ese tipo de casos, las psicólogas me dijeron que nunca habían presentado un informe de esa naturaleza a los Juzgados.

Durante este proceso nos dimos cuenta que habían muchos casos iguales y que no habían organizaciones que apoyaran a las víctimas ó sus familiares a llevar sus casos a los tribunales. Había un caso de un niño violado, pero en ese entonces la legislación guatemalteca no reconocía la violación de un varón como un delito. Mi hija me preguntó si podíamos ayudarlo y le dije que sí, claro que podemos hacerlo.

¿Cómo fue el proceso de formalizar el trabajo?

En 1999, formamos un grupo de apoyo mutuo de mujeres, estaba conformado por las mamás, hermanas y amigas de las víctimas. Nos reuníamos en mi casa, compartiendo experiencias, aprendiendo juntas e incluso compartiendo ayuda económica. Nos auto formamos en leyes y técnicas de investigación a través de internet.

Acompañamos nuestros casos en el Ministerio Público y en los juzgados donde nos decían "Las Doñitas".

Los primeros años no tuvimos financiamiento y fue en 2003 cuando conseguimos nuestra personería jurídica.

A partir de 2005 los casos de femicidio en el país fueron en aumento, la BBC de Londres nos contactó para hacer un documental sobre la situación de la violencia contra la mujer. El resultado fue "Killers Paradise", un documental sobre el asesinato de mujeres en Guatemala y la impunidad reinante. Ese mismo año, unas diputadas del partido Frente Republicano Guatemalteco nos invitaron al Congreso para presentar casos de femicidio y contar cómo eran tratadas las mujeres en el Ministerio Público. Después, las diputadas nos invitaron a presentar un proyecto, el cual fue aprobado y nos asignaron 2 millones de quetzales del presupuesto de la nación para crear un centro de asistencia a la mujer víctima de violencia. Hasta ese entonces, el Estado no prestaba este tipo de servicios a la población.

Hoy en día tenemos un presupuesto anual de 10 millones de quetzales, de los cuales 3 provienen del Estado y el resto de la comunidad internacional. Atender un caso nos cuesta en promedio 10.000 quetzales. Tenemos 60 profesionales trabajando permanentemente y atendemos al público en la ciudad capital y en el departamento de Chiquimula, en el oriente del país, a 170 km. de la capital. Diariamente recibimos 50 nuevas denuncias y atendemos de 1.500 a 2.000 casos cada año.



¿Cuál es la estrategia de la Fundación Sobrevivientes para luchar contra la impunidad y conseguir justicia para la mujer víctima de violencia?

El objetivo de la Fundación Sobrevivientes es contribuir a la prevención, sanción y erradicación de la violencia contra la mujer y la niñez en Guatemala y garantizar el acceso a la justicia por parte de las víctimas de violencia.

Queríamos crear una institución que garantizara la justicia para las mujeres sobrevivientes de la violencia...no queríamos usar la palabra "víctimas" ya que consideramos el acceso a la justicia como parte de la sanación.

El Centro de Atención ofrece servicios gratuitos, brinda apoyo y asesoría a mujeres, niñas, adolescentes y familiares de víctimas de violencia sexual, delitos contra la vida, homicidio, asesinato, femicidio, parricidio y trata de personas, incluyendo robo y/o desaparición de niños.

Ofrecemos atención integral que incluye atención jurídica donde se brinda seguimiento cercano a los casos presentados ante el Ministerio Público y atención social que incluye servicios de salud, albergue, modificación del ambiente, educación y bolsas de trabajo y/o estudio.

La atención psicológica utiliza terapias alternativas que consisten en ver en las crisis una oportunidad para crecer. Las psicólogas dan un soporte importante a las víctimas logrando confianza en ellas mismas para presentarse a los juicios.

Por otra parte, realizamos incidencia a través de propuestas y planteamientos en temas de seguridad, legislación y acceso a la justicia. Además, damos seguimiento al cumplimiento de los compromisos internacionales adquiridos por Guatemala en materia de los derechos de la mujer y del niño y la eliminación de la violencia contra la mujer y la infancia.

La Fundación Sobrevivientes ha tenido mucho éxito en su trabajo e incluso ha ganado reconocimiento internacional. ¿A qué atribuye usted este éxito?

El acompañamiento a las mujeres y sus casos es la clave. Tenemos abogados, médicos forenses, psicólogas y el albergue para casos de alto impacto. Acompañamos a las mujeres durante todo el litigio.

La Fundación Sobrevivientes puede adherirse a los procesos como querellante adhesivo, acompañando formalmente al Ministerio Público en la acusación y presentando pruebas. Creemos que si la mujer rompe el silencio de la violencia, es para ganar.

¿Cómo ha sido la experiencia de trabajar con las autoridades del Ministerio Público y de los Juzgados?

Ha sido muy buena. La Fundación Sobrevivientes viene a colaborar y ayudar, no a criticar o reclamar, y eso lo han entendido las autoridades correspondientes. Incluso, ahora el Ministerio Público y el Organismo Judicial nos refieren casos. Creo que nos ven como aliadas y tenemos credibilidad ante ellos por la calidad de nuestro trabajo. Hemos visto de cerca las carencias en las instancias estatales y podemos colaborar con ellos para lograr resultados. Hasta la fecha, no hemos perdido ni un solo caso.

Durante este tiempo, ¿qué avances ha visto en la lucha por el acceso a la justicia para la mujer?

Se ha visibilizado el problema y se ha mejorado el marco legal para la protección. Hoy en día, las víctimas y sus familias ya exigen justicia y ya tenemos las primeras condenas. Antes no había con que sancionar, ahora sí. Las nuevas leyes como

la Ley contra el Femicidio y la Ley contra la Explotación Sexual y Trata de Personas son instrumentos valiosos y las nuevas instancias como la Fiscalía de Delitos contra la Vida, la Fiscalía de la Mujer, la Fiscalía de Femicidio y los Juzgados de Femicidio son parte de los avances. Sin embargo, el femicidio es sólo una parte de la violencia contra la mujer y ese enfoque puede generar sub-registros en el sistema de justicia sobre la situación real. Sí son avances, pero se ha fallado en establecer el enfoque de género en su totalidad en todos los procesos judiciales y de tener jueces con manejo de la perspectiva de género.

¿Ha cambiado el contexto de la violencia contra la mujer?

Sí, lamentablemente la violencia ha crecido desde 2005. Antes se daba principalmente en el seno familiar, ahora se ha trasladado al ambiente público, esto representa mayor riesgo para todas las mujeres en nuestra sociedad. El cuerpo de la mujer se utiliza como medio para mandar mensajes entre las maras, narcotraficantes y grupos de crimen organizado. Este año llevamos ya 30 mujeres descuartizadas.

¿Qué metas faltan por alcanzar?

Hay que hacer incidencia para la depuración del personal corrupto del Organismo Judicial y la Policía Nacional Civil. Hay que fortalecer la institucionalidad del Estado. Hay que apostarle a una seguridad inteligente, tener un mapeo del tipo de violencia existente y dar seguimiento según el tipo de violencia. Necesitamos un Ministerio Público, un Organismo Judicial y una Policía Nacional Civil fortalecidos.

**La página Web de la
Fundación Sobrevivientes se encuentra en:
<http://www.sobrevivientes.org/>.**

Change takes Time: Swazi Women Campaign for Legal Reform

Tenille Brown

One of the most disturbing cases reported in Swaziland's national newspapers in recent months was the murder of a woman by her husband. The man was convicted of murder and sentenced to seven years in prison. When considering the situation, the judge described the murder as *"a shocking fairy tale of a man who nurtured, nourished and cherished and invested his hope and his resources into a woman for a future paradise... [who then] betrayed him by her infidelity"*.¹ The gender bias implicit in the judge's consideration of a domestic violence and homicide matter is prevalent in the national media and in popular conversation throughout the Kingdom of Swaziland.

Despite these comments by a judicial authority it is important to recognize that advances have been made in the legal and policy framework of Swaziland in recent years. In 2005 the Constitution of Swaziland was adopted by the King and entered into force in February, 2006. Prior to that time the country had been without a constitutional framework for thirty years. The Constitution recognizes women as competent adults (removing their previous status as minors), confirms equality between the sexes, and reinforces a woman's right not to partake in cultural practices that she believes will contravene her rights.

The women's movement in Swaziland has focused on the need for law reform as a means to combat the purported lower status of women and to create a stronger human rights framework. The adoption of the Constitution required that all legislation in Swaziland be reviewed to ensure harmonisation and compliance with the new Constitution. In particular the women's movement has been instrumental in drafting and promoting the *Sexual Offences and Domestic Violence Bill* that is currently tabled in Parliament. The Bill represents the beginning of a long process of harmonisation of the legal framework in this monarchy characterized by a dual legal system that encompasses courts presided over by traditional chiefs and a modern judiciary based on Roman-Dutch legal principles.

Gender-Based Violence and Cultural Practices

The challenges faced by women and girls in Swaziland are numerous and complex. The statistics pertaining to sexual violence cases are alarming: the leading 2007 study by UNICEF on gender-based violence prevalence

rates indicate that 37.8% of young women (aged 13-24) experience some form of sexual violence before the age of 18.

Although a Swazi woman can now choose not to partake in a particular cultural practice, there are numerous practices which are rooted in custom and permeate Swazi life. Some of the customs in place in Swaziland which directly violate the basic human rights of women and children and perpetuate gender-based violence are:

- Kuhlanta - a practice in which a girl is married off to her sister's or aunt's husband,
- Kulamuta - a practice in which a man has sexual relations with the younger sister or paternal niece of his wife,
- Dagging - a practice whereby a woman is kidnapped and forced into marriage by her prospective spouse and his family,
- Kusoma - the traditional form of courtship whereby a man will repeatedly ask a woman to marry him, persistently going to her home or place of work to do so.
- Marital rape – there has never been a conviction in Swaziland.



Tenille Brown in Swaziland.

¹ See *Rex v. Goodman Mngometulu*, August 2010. Case: 278/2010.

A common attitude to these cultural challenges is reflected in the recent newspaper headline, 'Yes, Our Husbands May Beat Us.'² The article reports on the recently released Swaziland Demographic Health Survey (SDHS 2007) in which women were presented with six different scenarios and asked whether they found it acceptable for a husband to beat his wife in the situations presented. Of the women surveyed, 33% responded that they found it acceptable that a husband would beat his wife in these situations.³ In response to the survey Chief Malamlela Magagula is quoted as observing that, though a woman's rights cannot be ignored, *uyamntjontja umfati wakho* still applies; a well known Swazi proverb meaning 'a man can hit his wife in secret.'⁴

Although the new Constitution officially recognizes a woman's right to choose not to participate in these cultural practices, Swazi legislation has not been comprehensively amended to ensure adherence to this right. Currently there is no legislation that defines and codifies sexual offences. The current legislative framework consists of the 1920 *Girls and Women's Protection Act*, and the 1938 *Criminal Procedure and Evidence Act*. These acts do not precisely define rape, nor are there provisions for the lesser crimes of sexual assault, or even a clear understanding of what elements need to be established in court in order to convict in a charge of rape.

Now, after a long struggle to see it introduced, the *Sexual Offences and Domestic Violence Bill 2009*, promoted by the women's movement, holds hope for the harmonisation of legal principles and offences related to gender-based violence. While the Bill has not yet been adopted into the law of Swaziland, it represents significant gains for women's rights activists.

A Ten Year Process for Adoption of the Bill

The Swaziland women's movement began to lobby for the introduction of legislation to update existing sexual offences legislation approximately ten years ago. In 2003 a steering committee on the Sexual Offences Bill was charged with drafting the provisions of the Bill and organizing a series of consultative meetings between civil society and government officials. Some of the activities which have been hosted by civil society include a nationwide week long 'indaba' (meeting), with civil society and Members of Parliament. The aim was to educate

individuals about the Bill, in particular focusing on increasing the understanding regarding provisions which are viewed as attacking Swazi culture.

The Bill recalls the obligations of the state of Swaziland under the international legal instruments it has ratified and adopted, including the Convention on the Elimination of All Forms of Discrimination Against Women, ratified in 2004, and the protocol to the African Charter on Human and Peoples' Rights on the rights of Women in Africa. Examples of the major legal advances in the proposed legislation are:

- redefining rape to include same sex rape and acts other than vaginal intercourse (S.3(1)),
- the introduction of the statutory offence of domestic violence (S. 70),
- the introduction of the offence of stalking (S.10),
- abolition of the cautionary rule of evidence (S.49, which states that the evidence of a survivor of abuse must be corroborated by other evidence.).

In addition, the Bill includes provisions for a number of other forms of gender-based violence such as, economic, emotional, verbal, and psychological abuse (S.70). Once adopted into law, the Bill will provide a means to counteract many negative cultural practices. For example, section 6 criminalises the act of abducting a woman. This provision provides a means to prosecute should a woman be abducted in the course of daggerring.

The Bill was officially published in the Gazette of Swazi Parliament in July 2009. This formal step triggers a public consultation so that the Portfolio Committee for the Bill is able to table all of the information collected into a report for consideration by the House of Commons. Once the House of Commons has approved the 195 articles of the Bill, it will be passed to the Office of the Attorney General and finally will be considered by the Senate for final adoption before it receives Royal Assent and becomes legislation. Usually this process takes not more than three months. However, due to the challenges faced by women in claiming rights that break with cultural traditions, the Portfolio Committee is only now introducing its report to the House of Commons; over a year and a half after the formal legislative process began. It is expected that the House of Commons will debate individual provisions of the Bill by the end of November 2010.

The women's movement has also organized collective popular events to complement the legal advocacy work. The "16 Days of Activism to Fight Gender-Based Violence" campaign organized annually in November has been an opportunity to promote adoption of the Bill. In 2008 a peaceful march was carried out in the two largest cities of Swaziland, Manzini and Mbabane, to raise awareness and

2 *Yes, Our Husbands May Beat Us*, The Times of Swaziland SUNDAY, September 26th 2010, pg. 4.

3 These six scenarios were: If she burns the food, if she argues with him, if she goes out without telling him, if she refuses to have sex with him, if she has sex with other men.

4 *Uyamntjontja Umfati Wakho- Malamlela*, The Times of Swaziland SUNDAY, September 26th 2010, pg. 5.

promote adoption of the Bill. A series of press releases are being prepared, in order to mobilise the public and to explain that the Bill is not opposing Swazi culture, but rather promoting the human rights of women.

The ten year struggle to draft and promote the adoption of the Bill demonstrates the contentious nature of women's equality rights in this kingdom. Despite this long struggle, Ms. Nonhlanhla Dlamini, Member of Parliament and previous Director of The Swaziland Action Group Against Abuse believes that Swazi women have every reason to celebrate:

'Above all the sensitisation of Swazi people has been a major milestone. Where it used to be that women were the lesser sex, the lesser human, now it is being recognised what women can do and that rights should be equal. Everything related to power used to be in the domain of men. Now there is representation of women, female judges, MPs, women are protected in the Constitution. And all this has been achieved because of the noise that we make.'⁵

Moving Forward

Women living in the Kingdom of Swaziland have lacked a strong legal framework to protect their human rights. The patriarchal cultural and legal traditions in Swaziland have resulted in a prolonged and challenging process for the Swazi women's movement with regard to their decade-long campaign. Creating a human rights oriented piece of legislation which addresses gender-based violence and women's rights, where there is currently a legal void and sometimes hostile environment is a difficult undertaking. However, indications from Members of Parliament and members of the Portfolio Committee on the *Sexual Offences and Domestic Violence Bill* are that the Bill will be given Royal Assent in the coming months. That the Bill is in its final stages of adoption is a sizable achievement. In the coming months, civil society will work with the Portfolio Committee to celebrate this achievement and to assist Swazi people in understanding their rights as contained in the *Sexual Offences and Domestic Violence Bill*.



⁵ Private communication with the Member of Parliament, 27th October 2010, The Parliament of The Kingdom of Swaziland.

Aqraba village in the West Bank: women respond to family violence

Samah Saleh

Palestine is a patriarchal society in which social relations are based on the extended family or clan. This influences the attitudes of both men and women toward violence against women. In this patriarchal context men believe that using violence is their right, especially if a woman has acted in a manner deemed to damage the family honour. Women are the keepers of family honour and men are responsible for their protection. It is socially unacceptable, especially in rural areas, for a woman to complain or to publicly denounce violence by her husband. The findings of a study conducted by social workers from An-Najah University demonstrated that one of the reasons for continued silence by women, even in the face of violence, is their social and economic reliance on men.

The complex web of legal traditions and diverse sources of law in Palestine leaves women without effective legal protection. The current criminal law in the West Bank was promulgated under Jordanian rule prior to the Israeli occupation in 1967. The 1960 Jordanian Penal Code is largely ineffective in sanctioning violence against women.

Despite this challenging cultural, legal, and socio-economic context, community-based organizations, such as the Community Service Centre (CSC), support women's response to the issue of domestic violence. This article examines the experience of the CSC, an initiative supported by An-Najah University and a member of the McGill Middle East Program in Civil Society and Peace Building, in the village of Aqraba.

Aqraba

Aqraba is small village in the southern area of Nablus Governorate with a population of approximately 9,000. Those who live in rural villages in the West Bank are generally more conservative and more traditional, with the result being that women often do not work outside of the home or participate in public domains. There are some social institutions in Aqraba, such as a youth center,

primary schools and other traditional organizations; however, an initial survey of the village demonstrated that unmet needs of marginalized citizens, such as poor women and people with disabilities could be addressed through the rights-based community practice adopted by CSC. The goal of the CSC is to mobilize communities to exercise their rights and empower individuals to work for social change in their community.

CSC staff began to coordinate with the women's committee in 2008 when the CSC mobile unit began outreach programs beyond the boundaries of the city of Nablus. The women's committee had been somewhat inactive, lacking vibrant activity, which may have been due to the fact that they had been offering only traditionally female occupational courses such as sewing and artwork that did not respond to the market needs.

Raising awareness program for women of Aqraba

CSC staff connected with the women's committee in order to raise awareness about issues related to human rights and any other needs identified by the women themselves. Violence was the most important issue that the women raised in the initial workshop. The personal reflection methods applied in the workshop helped the women focus on domestic violence. The CSC began to orient their support around this issue as the committee reinvigorated its membership by defining new activities.

The women gradually built a mutual support network to confront domestic violence. The recognition of violence in their own lives led them to support each other as committee members examined the problems existing within their own families. They shared methods and techniques to decrease the violence in their families. Resorting to police or extended family intervention was not an option for the women because they feared losing custody of their children and being shunned by their families and community. In those meetings CSC staff observed that the women began to take initiative without intervention by professionals. This new awareness and initiative by the women is perceived as an indicator of empowerment that demonstrated to CSC that their accompaniment and human rights approach was responding to women's needs related to a critical problem.

Individual and Collective Change

The women focused on developing strategies to stop the violence in their families and in the process they began to recognize their legal rights as well as their responsibilities. Most importantly, the women acknowledged that they were both "victims" of abuse and "abusers". Some of the women who were abused by their husbands admitted to being violent with their children. Identifying and owning these problems of violence, the women began to

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Women's committee members at the community centre in Aqraba
photo by Community Services Center

take action to change their individual situations through collective mechanisms.

The women decided to organize a Committee of Notables. The idea of seeking support from highly regarded citizens provided a culturally acceptable method for women seeking social support. Notables included the municipal mayor, school directors, the head of the women's committee, and other highly regarded citizens. Women who were experiencing violence in their home met with Notables to seek support for individual development. Due to the cultural taboo Notables do not mediate or approach the male head of household to intervene. The Notables, however, do support the women in the implementation of action plans that the women have identified themselves.

Some of the women's committee participants decided to ask for assistance to complete their education, which had been interrupted at the time of marriage. The women surmised that education would increase the possibility of finding employment, and economic independence and increased respect in the family would follow.

One woman's journey exemplifies the empowerment process. Before coming to any of the women's committee meetings she led an average life as full-time caregiver for her children and husband. She was poor and her husband was working in Israel on an intermittent basis and thus unable to provide consistently for his family. Unemployment or underemployment, is sometimes used by men as an excuse to react with violence to the frustrating cultural expectation that a man is fully responsible for the financial wellbeing of his family despite reduced economic opportunities due to the Israeli occupation. In this case, the man's own feelings of inadequacy, and pressure from family and community, appeared to have triggered abuse as his way of demonstrating his masculinity.

This woman decided to find employment to help her family and to improve the situation at home. When she expressed her plan to the women's committee the members decided to offer her a job cleaning the community center. Simultaneously she attended the sessions on violence against women at the center. As she gained knowledge about her rights she decided to finish her education. The Committee of Notables supported her by helping her register for classes and they also recruited

volunteers to help her study. After finishing her secondary education she decided to go to university. This woman's life changed dramatically in only two years; violence in her family stopped (both she and her husband were perpetrators), she is studying at university, and is now sharing her experience with other women in Aqraba.

Leaving Aqraba strengthened

It is difficult for women to publicly face violence in a Palestinian village such as Aqraba. Socially it is unacceptable to bring attention to "private" matters so women prefer to keep silent in order to protect their family honour. This social taboo did not prevent women from changing their personal circumstances. So while the women's committee's program to raise awareness about violence did not change the patriarchal system the initiative did succeed in changing their family systems while creating a communal support network. The women's committee became a safe space where women could break their silence. The CSC is no longer active in Aqraba but the women's committee, with the support of Notables, continues to implement mutual support programs at the community centre. Will women's empowerment and personal change provide the momentum for broader social change?

Violence Against Women in Palestine

The **Palestinian Central Bureau of Statistics (PCBS)** undertook a national survey on violence against women in December 2005 and January 2006. The survey questionnaire was applied in 4,212 households in Gaza and the West Bank. The survey provided data on violence against women by intimate partners and violence by Israeli defense forces. For example, the survey concluded that during the year 2005 married women were subjected to significant rates of violence by their husbands:

- 61.7% were exposed to psychological violence,
- 23.3% were subjected to physical violence, and
- 10.9% were subjected to sexual violence.

See the complete report on the **PCBS** website:
<http://www.pcbs.gov.ps>

After the definitive study by **PCBS, Human Rights Watch** surveyed criminal justice professionals and representatives of women's organization to understand the conditions that sustain such high rates of violence by intimate partners (violence which they report is exacerbated during periods of political violence). The study points to weaknesses in laws and institutions of the Palestinian Authority as the reason for the lack of effective responses. See the report "A Question of Security: Violence Against Palestinian Women and Girls"
<http://www.unhcr.org/refworld/docid/4565dd724.html>.

Just Governance Group News

30 Años de Cooperación sobre Investigación Científica entre Suecia y Nicaragua

El Grupo de Gobernanza y Justicia realizó una evaluación de 30 años de apoyo sueco en la investigación científica y educación de postgrado en cuatro universidades públicas de Nicaragua. La cooperación de investigación científica comenzó en 1981 con proyectos de investigación independientes relacionados con los sectores prioritarios de la economía nicaragüense, tales como minería y cultivos agrícolas, y luego la transición al fomento de la capacidad de investigación en las cuatro universidades públicas del país en las últimas dos décadas. La evaluación realizada entre julio y diciembre de 2010 por un equipo de 5 consultores de Bolivia, Guatemala, Suecia y Canadá evaluó el progreso en la investigación doctoral, instalaciones de investigación, políticas universitarias y públicas que promueven la ciencia y la innovación así como el impacto de la investigación en las prioridades de desarrollo de Nicaragua.

Global Fairness Initiative and JGG continue partnership

Just Governance Group signed another monitoring and evaluation agreement with Global Fairness Initiative. Group consultants David Grajeda and Kristiina Karppinen will support the monitoring and evaluation of the Verapaz Community Empowerment Program (VCEP) in Guatemala. The VCEP project is implemented by Global Fairness Initiative with the social ministry office of the Verapaz Catholic diocese. See the GFI website: <http://www.globalfairness.org/GFI/home.html>

New Moves for the Just Governance Group

In June 2010 the Just Governance Group moved offices to 858 Bank Street in Ottawa, Canada. The new location includes meeting space and offices for the Group's expanding work. Elaine Bruer has assumed the position of Corporate and Office Manager and oversees the company's financial and legal responsibilities. Silke Reichrath has joined JGG as Development Assistant and will support consultancy services from the proposal development phase through to the delivery of final products.



Kimberly Inksater, Mercedes Urriolagoitia y David Grajeda en la Universidad Nacional Agraria de Nicaragua

Photo by Ana María Huaycho

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