

al-raida

The Institute for Women's Studies in the Arab World
Lebanese American University | issue 135-136-137 | Fall/Winter/Spring 2011-2012

Transforming the World of Work for Gender Equality in the Arab Region



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THE PIONEER ISSUE 135-136-137 | FALL/WINTER/SPRING 2011-2012

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“Killing of Women in the Name of Honor”: An Evolving Phenomenon in Lebanon

Azza Charara Baydoun

A one-day expert group meeting called for by Rashida Manjoo, the UN special rapporteur on violence against women (hereafter VAW), was convened in the UNFPA New York headquarters on Wednesday October 12, 2011. Sixteen experts from different countries across the globe presented papers that portrayed the regional idiosyncrasies of the manifestations, root causes, and consequences of gender-motivated killings (femicide or femicide). In addition to papers that presented concepts and related conceptual challenges, the presentations covered case studies from selected countries from Africa, Latin America, the Middle East, South East Asia, Canada, and Europe. Following is an updated version of the paper presented by Azza Charara Baydoun, a Lebanese researcher on women and gender issues.

Manifestations

Although “crimes of honor” is the phrase commonly used to describe the killing of women within the family in Lebanon, these killings are drifting further away from the classical form of what is known in our part of the world as “honor”-based crimes.

In my attempt to highlight the manifestations of family femicides¹ in Lebanon, I will delineate 3 categories:

The so called “honor” crimes whose occurrence has become rare² in Lebanon. For instance, among the 66 trials concluded in the court of cassation between the years 1999 and 2007, only 16 had to do with “honor killing” and were executed mostly in rural areas. I am referring to the well documented³ scenario featuring a male family member, preferably a minor, who is delegated to kill his⁴ female relative, usually his sister, who by her “loose sexual behavior” has brought shame upon her family and sullied its “honor”. The victim’s behavior involves a heterosexual liaison, whether imagined⁵ or real, where she might be a willing or an unwillingly participant (incestuous rape is not uncommon). The act of killing is described as “cleansing the shame” of the family and restoring its “honor”. This act is deemed necessary and is

hailed as heroic by family members who encourage it.

It is common knowledge that “honor”-based crimes are underreported. But the widespread urbanization, the proliferation of media, and the changing roles of women in Lebanon have made it difficult for such crimes to go unnoticed. Accordingly, those crimes that are reported are thoroughly investigated,⁶ and the accused is tried in a court of law. With respect to the previously mentioned 66 trials, article 193 of the penal code that mitigates the sentence of the accused on the basis of his being motivated by “honor” was used 3 times only (that is less than 5 percent).

The nature of the crime has made it almost impossible for researchers on femicide to study systematically the repercussions of the crime on the killer and other members of the family of the victim. Anecdotes about family members and interviews conducted with some of them or their neighbors in Lebanon and Palestine are probably the only documented “evidence” of the impact it may have had on them.⁷ Under-reporting impedes the collection of hard data. In Syria, for instance, the figure reported by the media varies between 40

and 300 femicides per year! In Yemen for instance, it is practically impossible to come up with a figure as a corpse may be buried by the family without obtaining a license from health authorities; hence no comprehensive official cause of death is available. Furthermore, some countries (Kurdistan-Iraq, Jordan, and Egypt for instance) report a very high incidence of female suicides. Women activists suspect that this figure hides behind it “forced” suicides/femicides.

It is to be noted, however, that the judges’ attitude to the “honor” killings is linked to the geographical location of the murder site. The judges who preside over courts in rural areas are more “understanding” of the motives of an honor crime. They tend to acknowledge the power of the dominant values that condemn the victims’ “wrongful act” and deem the violent reaction of the accused as “necessary” and hence inevitable, thus leading them to extenuate the sentence of the accused in accordance with their discretion or “the power invested” in them to assess the situation. By contrast, the panels of judges in urban areas dismiss the effect of these values on the killer’s motives. This is particularly evident in cases where the accused claims an “honorable” motive for his crime whereas the court finds nothing but “unadulterated selfishness” in the motive and a deviation from the values of our times.

A more pervasive family femicide in Lebanon is the murder of the intimate partner – wife, divorcee, cohabitant, etc. – who is invariably accused by the perpetrator of infidelity and/or promiscuity, whether real or imagined. These murders are similar to uxoricides (wife killing) or “crimes of passion”, and are well documented worldwide.

The third category of crimes is the killing of women – whether spouses or blood relatives – which is motivated by the greed of the perpetrators. Upon investigation, it turns out that the killers were interested in the victims’ possessions or their money and murdered them in order to inherit them.

In Lebanon, the last two categories are the most prevalent, and the murder is usually the culmination of a series of episodes of violent

disputes. In cases of femicide that are tried before Lebanese courts, almost all defendants claim to have been motivated by honor (Baydoun, 2011 a). In many cases “honor” crime is a pretext to escape the well-deserved punishment of a regular crime. This is not specific to femicide cases in Lebanon. It was reported by the media in Jordan, for instance, that a man killed his sister and claimed that his deed was motivated by “family honor”, but was prosecuted as a regular murderer when his other two sisters filed a lawsuit against him accusing him of killing their sister because she refused to grant him an inherited piece of land.⁸

Root Causes: Background

In the Arab world, Lebanon is perceived as being in the forefront with respect to women’s advancement⁹ where visibility in the public space is one of several indicators pointing to a change in the roles of women. Research studies conducted in Lebanon indicate that young women tend to perceive themselves as androgynous, thus rejecting partially the limitation imposed on them by the socially desirable image of women in our society and embracing the characteristics reserved traditionally for men. Furthermore, men are responding to this change and some research studies arrived at the conclusion that male college students, for instance, tend to be less attracted romantically to the traditional woman and tend to prefer an intimate partner who is partly, if not completely, similar to the self-image of his female college mate. A shift of attitudes towards issues raised by the feminist movement in Lebanon advocating for legislation towards gender equality and non-discrimination is also gauged among university students, albeit women students are found to be more egalitarian than men.¹⁰

In so far as sexuality is concerned, contradictory manifestations are noted in a series of studies (Rida-Sidawi, 2005, 2006, 2007; Baydoun, 2010). For instance, evidence gathered from group interviews points to changes in the notion of “honor” among teenagers, (both boys and girls), and among their parents especially among those belonging to the middle and upper classes; moreover, notions of “honor” affect a woman’s behavior among lower

classes only. Yet guarding this “honor” is rarely seen by these teenage boys and girls of the lower classes (and girls more so) as a reason for their family to resort to fatal violence.¹¹ In an attempt to study the “socialization process to family honor” research conducted by Parre in 2002 using focus groups of parents of adolescents, showed a difference in attitude towards “honor” crimes in accordance with class, gender, geographical location (rural vs. urban), and level of education of parents. Transgression of prescribed sexual behavior was overlooked for males in all these social and demographic categories, while choice of sanctions for females ranged between forced marriage followed by an arranged divorce, forced hymenoplasty (hymen restoration), disowning and ultimately, but rarely, femicide, as we move from a more privileged social category to a lesser one (Parre, 2005).

In so far as pre-marital sex is concerned, rudimentary research points to a shift of attitude and practice among the middle and upper classes. For instance, in one study researching the sexuality of unmarried university students, 20 percent – both males and females – admitted to having been sexually active since their teen years.¹² However, widespread practice of hymenoplasty among young women (anecdotes reported by media, doctors, and some researchers) is an indicator of the lag of sexual ideology behind practice.

Family Femicide: An Expression of Extreme Disruption of Gender Arrangements in the Family

A salient finding in research on family violence against women in Lebanon, and irrespective of the method implemented and the population researched, indicates that the gender arrangements regulating family relationships has been disrupted. The dynamics of the relationship between the victim and the perpetrator is an expression of an extreme maladaptation to the changing roles of women and men in our contemporary world: accused men tended to refuse to adapt to the implications of the changing roles of women, and women victims are reported as having exhibited a defying and challenging attitude towards these

men. This is amply verified when looking closely into trial documents of femicide cases. In these documents, the victim is portrayed as an impulsive, adventurous rebel and a capricious individual refusing to conform to the gender roles sanctified by her family/partner. She may be qualified as an “imperfect” woman when compared to the “perfect” one, i.e. the socially desirable feminine stereotype in a typical patriarchal society, where the woman is passive and compliant with her (male) guardian who “knows what is best for her”. In Palestine, for instance, two contradictory images of the victim surfaced in the anecdotes told by their relatives and neighbors, one similar to the one described in the trial documents above and another portraying her as a “perfect victim”.¹³

In many cases, these women are victimized by males who suffer from what may be described as a “deficient” manhood as they failed to meet the expectations of traditional manhood and the prescribed requirements of their gender roles. Overrepresented in the sample of femicide killers are marginalized men, presumably mentally ill, drug addicts, alcoholics, ex-militia fighters, and those with criminal records. This is not in any way different from family femicides all over the world. As intimate partners, these murderers tend to have their manhood tarnished or undermined socially. In cases of marital infidelity, their sexual potency is questioned and their manhood is compromised especially when this infidelity is publicized. If these men were unemployed, they are deprived of a major component of their manhood which is the role of provider for their family. If the murderer were a blood relative, then he would have failed to play a major gender role prescribed to him in our Middle Eastern Arab cultures, namely the power to exercise control over the sexuality of women under his “guardianship”. This is the case irrespective of the age and social status of either party. Men are entrusted with the responsibility of controlling the women’s behavior and to ensure their chastity and self-restraint. Thus, any threat to that role becomes a threat to the male’s sense of self-worth and his manhood. In most of these cases a man’s vulnerability and weakness is the main cause of violence against women. Eliminating the woman

who reveals the killer's deficient manhood and threatens his undeserved authority seems to him to be the means to restore his manhood.

The described vulnerability of men is not specific to killers of women. Researchers on masculinities contend that it is one of the characteristics of men in this age who are said to be experiencing a "masculinity crisis". Femicide is but a magnification of an open aggression and enmity against women by a significant number of men in contemporary societies, and the prevailing violence against women is but the defense mechanism against their sense of their own vulnerability. This vulnerability is not related to women and the maladaptation of some men to their changing roles alone, but rather women are, by the dictates of the gender arrangements, the accessible scapegoats to men; men are thus allowed to vent their frustration over their continued marginalization in a world that boasts much promise and offers little to meet them.¹⁴ The male's self-esteem heavily depends on ensuring the proper, so called "honorable" behavior of those in his immediate social milieu and under his guardianship, a necessary condition for bringing order to his inner self and subsequently to the clan/family. Disruption of this order is serious and the person responsible for this disruption must be eradicated to restore order to both, the male individual as well as the clan/ family. That is why if the immediate guardian of the "defiant" woman refrains from his "duty" to kill her when she violates the sexual dictates of the family, someone else will. This would be the case in a typical "honor"-based kin femicide.

Femicide and Violence Against Women

Furthermore, studying the files and court documents of family femicide cases shows that women killing is no more than a maximization of a blatant and ongoing violence against women which has long been perceived and dismissed as "natural". The murder itself is no more than the inevitable outcome, an end point of a continuum of this escalating violence.

Women organizations in Lebanon argue that enacting a comprehensive law for the protection

of women from family violence is the effective strategy to prevent femicide and will serve to criminalize all forms of family violence. The most important components presented in the draft law prepared by KAFA¹⁵ and adopted by human rights organizations in Lebanon include the following: criminalizing all forms of family violence against women and girls; ensuring that all investigation, court sessions, and trials remain confidential and private; establishing a specialized unit for family violence issues within the Interior Security Forces; securing a court protection order for victims; allowing for complaints of family violence to be made by verbal notification; requesting the perpetrator to seek rehabilitation; and requiring that the perpetrator secure a safe housing for the victim and her children, and paying alimony. Given the overarching and binding power of law, it will provide deterring, pre-emptive, preventive and punitive measures and consequently will be effective in reducing incidents of women killings.¹⁵

The State and the Religious Confessions

In Lebanon, unlike most Arab states, NGOs and private organizations have been almost always ahead of the state in addressing social problems. This phenomenon was reinforced during the fifteen years of civil strife during which the confessional communities instituted faith-based organizations that replicated and, in some instances substituted, the functions of the state, and have continued to appropriate the public space and dominate Lebanese political life. This was manifested, for example, by the loss of the state – backed by the civil society – to religious authorities of what became to be known as "the battle for the law of civil marriage" in the spring of 1998. The Islamist organizations and the church (albeit not overtly) launched a vicious campaign against the proposed law which failed to obtain a majority from the council of ministers. The loss of this battle before the religious authorities was a bitter reminder to the women's movement and activists working under the banner of human rights of the obstacles these authorities erect whenever they attempt to introduce laws that the religious authorities perceive as infringing on the powers given to them by the Lebanese constitution. It is worthwhile noting that there is no unified

personal status law in Lebanon. Instead, Lebanese citizens are subject to the personal status laws of their respective religious sects in which they are born. This system has led to a legal and judicial “plurality” in the matter of personal status and family law and it is sanctioned by the Lebanese constitution. Each of the 18 legally recognized religious communities in Lebanon, belonging to the 3 major religions Islam, Christianity and Judaism, are given legal and administrative status and jurisdiction over issues related to their personal status. Needless to say, the personal status laws, and particularly family laws in Lebanon, discriminate between women and men in numerous matters: marriage, divorce, inheritance, custody of children, etc. This is the reason why the Lebanese government (and most Arab countries) have had reservations on some items of article 16 of CEDAW.

The “National coalition for the legislation of protection of women from family violence” prepared a draft to protect women from family violence. However, the political representatives of the Sunni and Shiite sects joined forces against the passing of the law.¹⁶ The arguments of these opponents of the law, Islamist groups and their representatives, are rampant with fallacies and wrong information.¹⁷ They know very well that their success in opposing the passing of the law does not lie in the logic of their rhetorical arguments, but that it is derived from the present political robustness of confessional communities, as well as the authority their institutions has over the legislative bodies of the weakened Lebanese state. Because of them, this law is being emptied of its human rights value as it moves from one legislative body to another. Before the draft law was approved by the council of ministers and passed to the concerned committees of parliament to discuss it, an article was added to insure that the law will not contradict the religious personal affairs codes. The draft law was discussed by a special parliamentary committee which presented its amendments to the Speaker of the House in the spring of 2012. The draft is to be presented to the General Assembly for voting, but its placement on its agenda is delayed due to the ‘special circumstances that are ravaging our country’. It is worth noting that the mentioned

parliamentary committee has given leeway to the Islamist members of the parliament and their allies – Islamist women groups – that are arguing against its passing. Consequently, the phrase ‘violence against women’ was removed from the title of the law, which became the ‘law for protection of the family’ and the article pertaining to ‘marital rape’ is removed. The phrase ‘economic violence’ had the same fate ... all in the name of ‘protecting the family’ and its sanctity.

Glimmers of Hope, Yet...

Positions being taken in court (by judges, witnesses, plaintiffs, and prosecution) in cases of femicide indicate a change of attitude towards women killings in our society and in the judiciary. This change, albeit small, heralds an egalitarian gender attitude within the judiciary. For decades now, Article 562 of the Lebanese penal code that mitigates the sentence of those accused of family femicides has rarely been referred to in the narratives of the court proceedings documents, let alone used by the judges.

Article 562 of the Lebanese penal code states that “a person, who surprises his spouse or one of his offspring or their offspring or his sister in the act of the sin of adultery or in an illegal sexual relation, and as a result, kills or injures one of them, without premeditation, can benefit from a reduced sentence”. The formulation in other Arab states differs slightly: In some Arab countries the article refers only to accused men and female victims, in others it explicitly refers to both genders whether the perpetrator or the victim. In some countries, the article mitigates the sentence of the accused spouse but not the accused blood relatives. Furthermore, in most Arab countries, if the courts do not refer to this particular article, then other substitute ones are used for mitigation of the sentence of the accused. The reason for mitigation may be the “highly emotional state” of the perpetrator and/ or his being provoked by the “dangerous” or “wrongful” conduct of the victim.

This article (562 of the penal code) was repealed by the Lebanese Parliament from the Lebanese penal code in August 2011. Femicide will be treated by the

court, hereafter, like any other crime. It is true that these killers will benefit from other articles of the penal code that would mitigate their sentences, but the repealing of this article has a major symbolic value. It represents a breakthrough for the women's organizations who have been lobbying with decision makers, judges, and religious leaders to this end, for decades.¹⁸ Yet, by passing sentences that will take into account extenuating circumstances for the accused, and assuming double standards in assessing the behavior of the victim ('wrong' and 'dangerous') and of the accused (his perceived motive and emotional state), these courts will be sending misleading messages that reinforce the tendency to resort to what has been referred to by human rights activists and researchers as 'private justice' not only in communities that embrace the "culture of honor", but everywhere else too (see Moghaizel, 2000).

Combating Violence Against Women and the Political Situation

As the uprisings move from one Arab country to another, we are witnessing contradictory manifestations in their new spaces of expression. It is true that the uprisings have increased the visibility of women in the public space (in public demonstrations but mostly in the social networks of the internet), but they have equally made possible the surfacing of previously oppressed and silenced societal forces – mainly Islamists – whose ideas and deeds have proved to be far from being women-friendly.¹⁹

In Lebanon, and in spite of the raging divisive political problems that are creating an atmosphere conducive to another episode of civil strife, the Lebanese women movement is in the middle of the battle for passing the "Law for the protection of women from family violence". In this country where political and security disruptions are ongoing events, women organizations (both governmental²⁰ and non-governmental) that combat violence against women tend to move on with their agenda without allowing the 'current extraordinary circumstances' to obstruct their work. This tendency has been predominant since the mid 1990s²¹ because of the independence of most

women organizations from the national political and confessional parties. These organizations have distanced themselves from the crippling political divisions and have adopted the UN approach to development on women's issues. Needless to say, the UN organizations'²² support of and provision of technical aid and expertise to these women organizations have been a major impetus in more than one way; they have helped women activists in their endeavor to free themselves from the grip of the dominant political parties. In Lebanon this is crucial because throughout the 15 years long civil war, women were mostly trapped within the boundaries of their religious confessions and their respective organizations, or within the political parties and their agendas. They were thus unable to develop their own discourses. But the UN proposed approaches to women's issues provided these women with the conceptual framework and practical tools necessary to help them formulate their independent agenda and to choose their partners and allies accordingly.

Since its inception in the mid-nineties, combating Violence against women has been an all-inclusive endeavor. No social actors were excluded from activities executed to that effect. Among those targeted by women organizations combating Violence against women were groups and organizations such as religious personnel. Although known for their enthusiastic guardianship of the hierarchical patriarchal family, it was argued that it was 'beneficial' to engage enlightened *ulamas* who expressed their views on the matter and distanced Islam from the wrongly held belief that it justifies femicide. This inclusion may have slowed down the process (of combating Violence against women) but it ensured the wide circulation of the issue and we may say that violence against women has become more present embedded in mainstream media, both traditional and new, and in political and various cultural and social activities.

Media reports of femicides are becoming more and more common, mostly in the form of sensational stories. Although this reporting has been viewed with reservation by women activists combating Violence against women, it served to break the

silence surrounding the issue and was often the main source for gauging the prevalence of the phenomenon (as has been the case in Egypt, Jordan, and Lebanon). Moreover, the media provided activists/commentators with a platform for awareness-raising and a means to disseminate widely their campaigns against the practice of 'private justice'. In our part of the world, addressing women's issues requires a great deal of perseverance that is proportional to the high level of entrenchment of sexist ideas and the degree of

normalization of discriminatory practices. Vigilance is mandatory to preserve accomplishments in view of the fact that some forces are lurking to rob women of these accomplishments; these forces have much to lose if women were to live free from the threat of all forms of violence, fatal violence included.

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ENDNOTES

1. I will mainly rely on the deconstruction of documents of cases of domestic femicides in Lebanon committed between the years 1978 and 2004 and tried in the court of cassation between the years 1999 and 2007. See my book *Cases of Femicide before Lebanese Courts*, 2011.
2. Between 1995 and 1998, 36 femicides were documented in Lebanon, 62 percent of which were committed by the brothers of the victims (Abdel Sater & Moghaizel, 1999) (in Arabic); whereas among the 12 femicides that were reported by the press between May 2010 and May 2011, only one was committed by the father of the victim. The remaining 11 were uxoricides (wife killings). (Compiled by the NGO KAFA (enough violence and exploitation), see www.kafa.org.lb.)
3. See for instance Zuhur, S. (2009).
4. The perpetrator is normally a male. In Lebanon for instance, women killers never exceed 5 percent of any sample of cases of Femicide studied.
5. The women activists in Egypt, for instance, maintain that the percentage of 'innocent' women that have been killed on the pretext of suspicion of sexual 'misbehavior' is around 79 percent. See, for instance, Fatima Kafagy (2005).
6. This is in contrast to the fate of similar femicide cases in neighboring countries – Jordan and Palestine for instance – until recently when, as an emotional response to widely reported murder of a female university student, President Abbas of Palestinian authority passed a decree eliminating the exemption of an alleged 'honor'- based crime from investigation and treating it like a regular crime. I am referring to the article 340 of the Jordanian and Palestinian penal code that grants killers impunity once they claim that their deed was a matter of family 'honor'. Their allegation prevents further investigation and allows them to be referred to the court directly which exonerates them or mitigates their sentence to a minimum.
7. See Hamdar, A. (2000).
8. See examples of motives in hidden behind alleged 'honour' on <http://www.amanjordan.org/pages/index.php/openions/6083.html>
9. Yet it figures relative low on GDI (Gender Development Index) and HDI (Human Development Index): out of 156 countries with both HDI and GDI value 117 countries have a better ratio than Lebanon. (2009, see <http://hdrstats.undp.org/en/indicators/124.html>)
10. See for example Baydoun, 2004.
11. Of relevance, is a fatwah released by a widely followed and respected Shia' clerk in Lebanon (the late Muhammad Hussein Fadl-Allah) and in Egypt (Sheikh Al-Azhar), both prohibiting (pronouncing anathema) women killing on the pretext of preserving family 'honor'.
12. See Information International (2003).
13. See <http://www.sawa.ps/ar/ReportsNew/ReportDetail.aspx?Repld=4>
14. See author's book Baydoun, 2007. KAFA, a prominent NGO in Lebanon, launched a program, two years ago, targeting Lebanese young men in an attempt to sensitize them to this fact and implicate them in the campaign for combating violence against women. ABAAD (Dimensions), a newly founded NGO is currently addressing men under the slogan "Men and Women against violence against women".
15. For further information and for more on the amendments proposed to the draft law, refer to the KAFA website at www.kafa.org.lb. The preparation of this draft law goes back to July 2007. The Council of Ministers approved the draft law in August 2009 and the law was transferred to the Parliament in April 2010 for voting.
16. Articles and provisions in this law are inspired by the legislative model prepared by the UN special rapporteur on violence against women. submitted in accordance with the Commission on HR resolution 1195/85 and the Socio- Economic Council of UN (1996) and is thus comprehensive in tackling all preventive, protective, pre-emptive and punitive aspects and the regulation of concerned security and legal bodies etc.
17. The minutes of the general assembly meeting of the Lebanese parliament, for instance, reveals that members arguing for the repeal of article 562 were referring to arguments that had been formulated by the Lebanese women's movement, implying a definite impact of this movement's rhetoric on decision makers. (Baydoun, 2011 c).
18. Women organizations in Egypt, for instance, are worried that certain amendments in family and personal status laws that took painstaking efforts to achieve during the uprooted regime, are now being questioned based on the claim that Suzanne Mubarak - the wife of the former president - instated those amendments. Similar conditions prevail in Tunisia - the Arab state friendliest to women. Hence the challenges to be met by human rights activists and the women movements in different Arab countries are currently ambiguous and need to be reformulated.

19. The National Commission of Lebanese Women (women state machinery) sent letters to members of the Lebanese Parliament expressing its total support of the proposed law to "protect women from family violence" whose draft was prepared by the "National coalition for the legislation of protection of women from family violence". See www.nclw.org.lb
20. With the cessation of military hostilities following the civil war in Lebanon and the adoption of the Lebanese government of Beijing platform of action and the signing of CEDAW, in July, 1996.
21. Like other Arab countries activists for gender equality have been accused of adopting, without reserve, UN and western stances and approaches to women issues and disregarding our 'cultural specificities', but these accusations did not intimidate women activists nor did it hinder their efforts in combating violence against women.

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<http://iwsaw.lau.edu.lb>