



# The personal insecurity of vulnerable groups

The previous chapter assessed the performance of the Arab state in providing human security to citizens. That performance was found, on the whole, to be unsatisfactory. In many countries, the framework of state-provided security is compromised by legal loopholes, overseen and regulated by coercive institutions, and based on the citizen's forfeiture of personal freedoms in exchange for a limited form of personal and social security. In most cases, the citizen's personal safety is bounded by strict rules of a game that exclude him or her from effective voice and participation.

This chapter considers the situation of people from or in the Arab countries who have no personal security at all. These groups—abused and coerced women, victims of human trafficking, child soldiers, internally displaced persons and refugees—are acutely vulnerable to threats arising from discrimination, exploitation or displacement. Such groups merit a particular focus because their situations lie beyond society's field of vision. Often hidden from the public eye, they are victimized in their own families and societies or abused as little more than slaves or left uprooted in places where their lives have taken them. They have little power to defend their own rights and few champions to defend those rights for them. Their insecurity lies beyond the pale of mainstream society, which offers them virtually no personal protection.

## Violence against women: impunity and insecurity

*Violence against women is a worldwide phenomenon, and not one limited to the Arab countries*

It has been estimated that, around the world, one in three women, will be raped, beaten, forced into sex or otherwise assaulted in her lifetime.<sup>1</sup> Indeed, violence against women is a worldwide phenomenon, and not one limited to the Arab countries. However, as the *Arab Human Development Report 2005, Towards the Rise of Woman in the Arab World (AHDR 2005)* illustrated, in societies where women are still bound by patriarchal patterns of kinship, legalised discrimination, social

subordination and ingrained male dominance, women are continuously exposed to forms of family and institutionalised violence. Indeed, in some Arab countries the penalties for assaults against women, even lethal assaults, are reduced if it can be established that the perpetrator committed a so-called "crime of honour."

In the Arab countries, women find themselves in a subservient position within the family and receive little protection from the legal system against violations

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inflicted by male family members. Arab women encounter violence throughout the different phases of their lives: in girlhood, violence can come in the form of physical, sexual and psychological abuse; female genital mutilation; child marriage; and child prostitution and pornography; in adolescence and adulthood, such violations can expand to include sexual abuse and rape, forced prostitution and pornography, trafficking in women, marital rape, and partner violence and homicide.<sup>2</sup>

Violence directed against women takes many forms. The UN General Assembly's "Declaration on the Elimination of Violence against Women",<sup>3</sup> defined its focus as "any

act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

### Female genital mutilation

Some have distinguished between what they term direct and indirect violence against women. They list in the first category all forms of physical assault, from beating to rape and murder. This category also includes other practices that

#### Box 4-1

#### Extent and forms of violence against women in the Arab countries

Recorded cases of violence against women, although grave and widespread, do not reflect the real situation in the Arab region but, rather, reveal only the noticed and reported cases. There are many cases that go undetected by studies on the subject. In addition, some forms of violence pass unnoticed and cannot be reported. Examples of these are insults, verbal violence, and cases of violence which women are very often embarrassed to report.

Some analysts classify violence against women into *direct* and *indirect* violence. Direct violence includes all forms of physical abuse. Examples of these are battering, rape, killing, and other practices that cause physical harm to women. Sexual abuse, which ranges from sexual harassment to rape and desertion, falls under this category. Although cases of sexual violence against women in the Arab region have increased, they are shrouded in secrecy because casting light on them will tarnish the image of the female victim and her family.

Indirect violence refers to how prevailing social and cultural institutions—including values, customs, and laws—actively discriminate against women. Verbal violence can be included among forms of indirect violence as it results from such discrimination, which permits men to exercise violence against women.

Verbal violence is often directed against young girls who, by custom and tradition, are punished and cautioned against behaviour that puts their chastity at risk. Divorced women are even more exposed to this kind of violence, as families find their liberty potentially threatening and seek to curb it. Married women sometimes suffer verbal violence in cases where the marital relationship is unbalanced, or where the husband takes out his frustrations and problems on those weaker than him (his wife, daughter, sister).

Other analysts expand the scope of violence to encompass *social* violence. Examples of social violence include

restraining women's integration into the community and preventing them from exercising their social role or denying a wife her social and personal rights in order to indulge her husband's intellectual and emotional propensities. This, of course, adversely affects the woman's self-esteem, emotional growth, psychological health, liberty and social integration.

A female faces this kind of social violence when the family seeks to curb, coerce or subdue her by preventing her from leaving the house without permission, compelling her to marry against her wishes, and rejecting her opinion in matters affecting her own life and fate.

Arbitrary divorce is another form of social violence against women. For example, a husband may divorce his wife without her knowing of that divorce, or for reasons not permitted under Islamic Shari'a.

Health violence is yet another form of violence suffered by many women. Forcing a woman to live in unsuitable conditions, denying her adequate health care and ignoring her reproductive health needs by failing to regulate pregnancy periods and limit the number of births can destroy her health and shorten her life. In the Arab and Islamic culture, people tend to have many children. The consequences of this for women may not constitute intentional violence but rather illustrate how cultural and social heritage can be harmful to them. What counts here is whether the desire to have many children is shared by a husband and his wife and whether a woman's physical health is not impaired.

Finally, *economic violence* is another form of violence commonly practiced against Arab women. Examples range from depriving a woman of an inheritance to taking control of her economic resources. Husbands sometimes force their working wives to forfeit their incomes under the pretext of making ends meet and supporting the family. In this guise, a woman's assets and income are sometimes appropriated unjustifiably.

Source: Maryam Sultan Lootah, in Arabic, background paper for the report.

cause material harm to women, such as female genital mutilation (FGM), which inflicts excruciating pain, gives rise to lasting physical and psychological damage, and can cause premature death through bleeding, infection and neural shock.

FGM is an illegitimate operation which seldom receives mention in medical textbooks. Moreover, it is classified as a crime under international law.<sup>4</sup> Specifically, the performance of this operation entails at least three types of crime: (1) causing physical harm; (2) violation of a woman's honour; and (3) the unauthorized practice of medicine. However, legal systems' stances on this practice have ranged from that of permission to that of prohibition, and in fact, some states continue to allow it. Moreover, the legal prohibition of this practice may have no real impact on life on the ground because traditional beliefs favour it. Influential figures aligned with conservative political or social forces also speak out in its defence.

It may be noted that, in the mid-2008, Egypt issued amendments to the Law on the Child,<sup>5</sup> banning and penalizing FGM, hence closing a previous legal loophole, which permitted health professionals and others to undertake the practice. However, while most Arab countries where FGM is practiced profess to be keen to adopt laws banning it, their slow progress means that the harmful practice continues, abetted by poverty, low levels of health awareness and sex education, pervasive legal discrimination against women and a lack of persuasive enlightened religious discourse.

Indirect violence covers a whole gamut of social and cultural practices, conventions, and laws that discriminate on the basis of gender. Some women's advocates extend the concept to include what they term social violence, one aspect of which restricts women's involvement in society and public life, while a second aspect deprives married women of the right to exercise their social and personal rights and to compel them to cater to their husbands' emotional demands. Such violence is detrimental to the status of women. It impairs their emotional growth and their psychological well-being by depriving them of their freedom to live a normal life and interact with society. A woman may encounter such social violence when her family or a family

Country	Year	Estimated prevalence of FGM in girls and women 15-49 years (%)
Somalia	2005	97.9
Egypt	2005	95.8
Djibouti	2006	93.1
Sudan (northern)	2000	90
Mauritania	2001	71.3
Yemen	1997	22.6

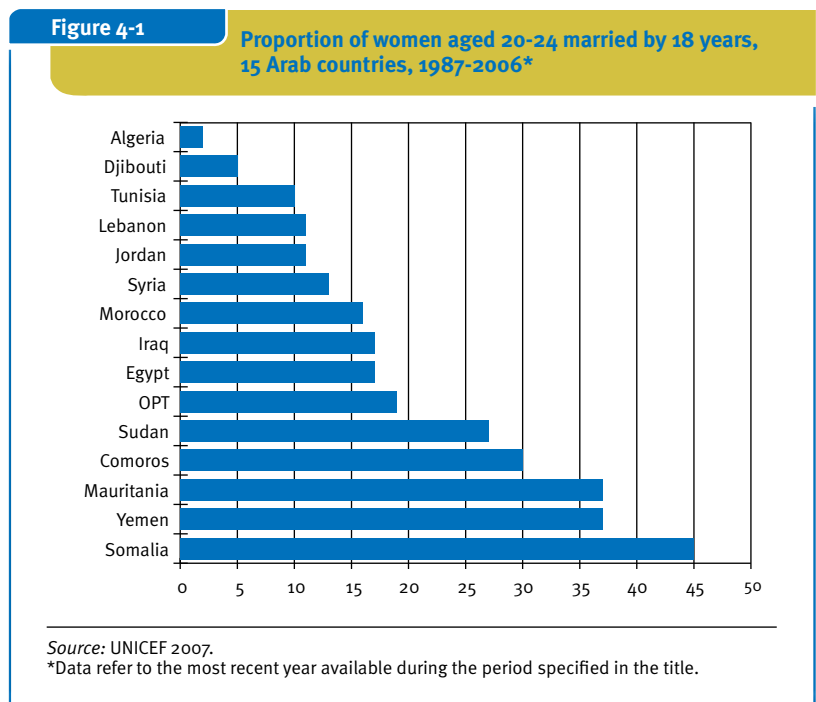
Source: WHO 2008.

member prohibits her from leaving the house, or forbids her an opinion on matters crucial to her well-being and future. Some include under social violence arbitrary divorce—where a husband divorces her wife without her knowledge or for reasons not justified under law (Maryam Sultan Lootah, in Arabic, background paper for the report).

*FGM is an illegitimate operation which seldom receives mention in medical textbooks*

### Child marriage

In many parts of the Arab world, girls are married off at a young age, often to men who are much older. Early marriage and teenage pregnancies threaten the health of mothers and children, and increase female vulnerability to violence. Moreover, early marriages often lead to divorce, family



*The subject of violence against women is taboo in a male-oriented culture of denial*

breakdown and poor child-rearing and commonly encourage early childbearing and high fertility, which carry marked health risks for very young mothers and their infants. Adolescent brides are less likely to know about contraception and sexually transmitted diseases, and are more prone to being bullied by abusive partners. For these reasons, more often than not, child and teenage brides embark on marriages fraught with personal insecurity.

Although early marriage is on the decline in the Arab countries, the numbers of teenage girls who are married remains significant in some countries. As shown in figure 4-1, UNICEF estimates

the proportions of women aged 20-24 that were married by the age of 18 at 45 per cent in Somalia, 37 per cent in Yemen and Mauritania, 30 per cent in Comoros, and 27 per cent in Sudan.

### Physical violence

It is difficult to gauge the prevalence of physical violence against women in Arab societies. The subject is taboo in a male-oriented culture of denial. Much of this violence is inflicted unseen in the home, on wives, sisters and mothers. Victims are unlikely to report abuse by family members. Authorities, the police and the public are disinclined to look into domestic matters, especially those concerning women. This applies especially in poorer communities where such treatment is considered the natural fate of women. Hence the under-reporting of offences is widespread since women know that complaints lead nowhere, or that complaining itself brings shame. A disturbing finding from a survey of women conducted for the 2008 Iraq National Human Development Report is that many married women accept their partners' violence against them as justified, having internalised centuries-old traditions about the superior rights of men.

### Marriage laws

Laws in several Arab countries provide numerous articles and provisions under family law that effectively confirm men's custodial rights over women in marriage. The standpoint implicit in such provisions is that the personal safety and welfare of a woman, as an inferior being, can only be assured by a man. Thus laws ostensibly intended to secure women's safety in marriage in fact discriminate against them and tie them to their husbands' whims.

Women are subjugated as the result of the consecration of male supremacy within the family as enshrined in Personal Status Laws. In most Arab countries, under prevailing Personal Status Laws, women do not have the right to ask for divorce or to oppose polygamy. Divorce is normally considered a male right and not a solution to specific marital problems, even

#### Box 4-2

#### In Yemen, a child bride sues for justice

Early in 2008, a newly-wed bride, Nojood Ali, took a taxi to the West Court of Sana'a, Yemen and requested a divorce from the husband she was forced into marrying. Her husband, who was about three times her age, used to rape and beat her almost every day and the bride decided that she had had enough.

While tragic, the bride's story would have gone unnoticed had it not been for her age; Nojood Ali was only nine years old.

After hearing about Nojood's case by chance, Shaza Nasser—one of Yemen's foremost lawyers and human rights advocates—decided to represent her free of charge. A week later, and in a historic ruling, the 'marriage' was annulled.

Nojood's tale of suffering and rebellion caused a public stir. Many saw her as a victim of patriarchy in all its oppressiveness and brutality, but for others, she was a source of inspiration. Following in her footsteps, victims of child marriage have begun speaking out and demanding justice, while activists and government officials in Yemen have called for measures to end the practice. In the wake of Nojood's case, a group of Yemeni lawmakers has lobbied to increase the legal age of marriage from 15 to 18.

Source: Verna 2008; Kawthar 2008.

Table 4-2

Estimated prevalence of assaults on women (physical violence), 7 Arab countries

Country	Percentage of women assaulted	Source	Year of study
Algeria	31.4%	UNHRC	2008
Egypt	35% (of married women)	UN-ESCWA	2007
Iraq	22.7% (South/Center)	WHO	2006/7
	10.9% (Kurdistan)		
Lebanon	35%	UNFPA	2002
OPT	32%	UNICEF	2000
Syria	21.8%	UNIFEM	2005
Yemen	50% (of married women)	UNFPA	2003

Source: UN-ESCWA 2007; UNFPA and Yemeni High Council for Women 2007; UN 2008; UNIFEM 2005; UNFPA 2005; WHO 2007; UNICEF 2000. (See statistical references).

when women are officially given that right. Nonetheless, recent years have seen some advances, reflected in progressive laws or amendments in certain Arab countries. Such developments include the adoption of the Khul' (divorce initiated by the wife) Law in Egypt (2000), as well as amendments to the Family Law in Morocco (2002) and Algeria (2005), which have adopted certain laws similar to some of the Family Laws applied in Tunisia, and

which uphold the woman's right to give herself in marriage, and dispense with the requirement of a guardian's consent. Other progressive legal steps in these two countries restrict polygamy more tightly, grant women the right to register their objection to polygamy in their prenuptial agreements; and provide for divorce through the courts, or by mutual consent between spouses, and recognize that a woman at 21 becomes her own guardian.

*Discrimination against women is evident in personal status laws*

Box 4-3

Arab women's legal rights under Personal Status Laws

If we look at how different rules of law are applied to equal legal positions, the Arab personal status laws that cover both Muslims and non-Muslims appear as an example of legalized gender discrimination. This is mostly because the personal status rules are basically derived from religious interpretations and individual opinions that go back deep into remote history. At that time, the culture of discrimination was entrenched and these interpretations and opinions were surrounded with an aura of sacredness and absoluteness while well-established and absolute religious beliefs were largely mixed with the relative historical realities of the communities.

The personal status rules for Muslims, derived totally from Islamic jurisprudence, reserve the right of divorce to man alone upon his sole will. A husband may, also upon his sole will, revoke divorce in certain cases. In contrast, a wife may divorce her husband only by court judgment and for specific reasons. Examples of these reasons are damage caused to wife; a husband's absence, desertion, or failure to support his wife; and the husband's imprisonment. According to these rules, only a husband is under a duty to maintain the family regardless of his wife's wealth. In return, a wife has to obey her husband. Thus, a husband provides maintenance in exchange for constraints on his wife. Further, a husband has a well-established right to exercise polygamy.

It is only within the framework of preserving these absolute fundamentals that attempts are made to introduce reform and eliminate some of the manifestations of discrimination in a number of Arab family laws. These reforms merely attempt to soften certain discriminatory practices. Examples of these attempts are prohibiting enforcement of *ta'a* court judgments (binding a wife to obey her husband by force); requiring a husband and the marriage registrar to notify the husband's first wife when the husband intends to marry another woman; restricting the right of a husband to marry more than one wife only to cases where there is an acceptable excuse and on condition that a husband will be fair among his wives; and giving a wife the right to divorce if her husband marries another woman. Another example is the case of *khol'* (giving a wife the right to divorce herself without suffering damage if she renounces her financial rights). Thus, both spouses are given the right to terminate the marriage contract. Further,

a husband incurs an obligation to consult his divorcee, in case he decides to return to her, and to register this return. In addition, a wife is given the right to introduce conditions in the marriage contract insofar as these conditions are not inconsistent with any of the well-established principles of the Shari'a law. A wife is also given the right to keep custody of her children until the end of their custody period if this is in their interest. Further, a wife is given the right to continue to stay in the marriage house insofar as she has child custody.

The personal status rules for non-Muslims are derived from their doctrinal and denominational laws. In general, these rules narrow, if not prohibit, the right of a wife to divorce herself. For example, an Orthodox wife may divorce herself only for limited reasons and by a court judgment. In contrast, a Catholic wife may not under any circumstances divorce herself. Only separation between a husband and a wife is permitted. With regard to the rights of the husband and the wife during marriage, the husband invariably has the upper hand over the wife.

In terms of legal regulation, while most Arab states have uniform personal status laws for Muslims, some states do not. Examples of these states are Egypt, Lebanon, Qatar and Bahrain. Hence, it is very important to develop a clear and disciplined code of personal status rules, whose aim should be to achieve legal clarity. It is only when this code is developed that the attempts to eliminate discrimination against woman will succeed.

In short, discrimination against women is evident in the Arab states' personal status laws. However, in a number of states such as Egypt, legislative amendments have been introduced to ease the impact of that discrimination. But these attempts have not risen up to the level of the progressive amendments that have been introduced into the Arab Maghreb's legislation, such as the Tunisian laws, the Moroccan code and, to a lesser degree, the Algerian laws. The lesson derived from the Arab Maghreb's legislation is that it is possible to develop Arab laws that would preserve the religious fundamentals while adopting interpretations that achieve greater equality between men and women and thus eliminate the historical injustice against women in family relations.

Source: Mohamed Nour Farahat, in Arabic, Background paper for AHDR 2005.



## Convention on the Elimination of All Forms of Discrimination against Women

*Some countries have demonstrated real progress in amending personal status laws*

Increasing Arab women's personal security will require substantial changes to laws governing marriage, divorce, violence against women and women's personal status. Although countries such as Morocco, Tunisia and Algeria have demonstrated real progress in amending personal status laws, many others lag far behind.

Most Arab states have signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and are thus obligated

by its provisions, reservations excepted. Yet the devil hides in the details. The reservations entered by many Arab states, which often cite clashes with *shari'a*, are numerous, significant and often demur over Article 2, which enshrines the principle of equality between men and women. As the AHDR 2005 noted, objections to that principle effectively cancel out the ratifications of states and "put in doubt the will to abide by the provisions of CEDAW". The credibility of Arab states, and any real progress towards implementing its provisions, thus begins with the reconsideration and removal of these reservations.

Table 4-3

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – overview of Arab countries' ratifications, 2009

Countries	Date of ratification <sup>a</sup>	Reservations on articles <sup>b</sup>	Ratification of Optional Protocol
Algeria	22-May-96	2, 9, 15, 16, 29	
Bahrain	18-Jun-02	2, 9, 15, 16, 29	
Comoros	31-Oct-94	No reservations	
Djibouti	2-Dec-98	No reservations	
Egypt	18-Sep-81	2, 9, 16, 29	
Iraq	13-Aug-86	2, 9, 16, 29	
Jordan	1-Jul-92	9, 15, 16	
Kuwait	2-Sep-94	9, 16, 29	
Lebanon	21-Apr-97	9, 16, 29	
Libya <sup>c</sup>	16-May-89	2, 16	18-Jun-04
Mauritania <sup>c</sup>	10-May-01	General reservation	
Morocco	21-Jun-93	No reservations	
Oman <sup>c</sup>	7-Feb-06	9, 15, 16, 29	
OPT			
Qatar			
Saudi Arabia <sup>c</sup>	7-Sep-00	9, 29	
Somalia			
Sudan			
Syria	28-Mar-03	2, 9, 15, 16, 29	
Tunisia <sup>c</sup>	20-Sep-85	9, 15, 16, 29	
UAE	6-Oct-04	2, 9, 15, 16, 29	
Yemen <sup>d</sup>	30-May-84	29	

Source: UN Division for the Advancement of Women 2009.

Note: a/ Ratification includes ratification, accession or succession.  
 b/ Reservations of Arab countries are mainly related to the conflict between national legislation and shari'a on articles 2, 9, 15, 16 and 29, which respectively stipulate the following:  
 Article 2 stipulates equality before the law and prohibits discrimination against women in national constitutions and legislation.  
 Article 9 pertains to nationality rights.  
 Article 15 regards women's equality with men in their legal capacity in civil matters.  
 Article 16 relates to marriage and family relations.  
 Article 29 pertains to arbitration between States Parties and the referral

of disputes over the interpretation or application of the Convention to the International Court of Justice.

c/ Declaration denotes that the State is not committed to the implementation of any articles of CEDAW whose provisions do not comply with the provisions of Islamic shari'a.

d/ On 22 May 1990 the Yemen Arab Republic and the People's Democratic Republic of Yemen merged into the Republic of Yemen. In respect of treaties concluded prior to their union, Yemen is considered a party as from the date when one of the former States first became a party to those treaties. In terms of CEDAW, the People's Democratic Republic of Yemen ratified the Convention on 30 May 1984.

Box 4-4

Morocco withdraws its reservations on CEDAW

On December 11, 2008, Morocco nullified its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The country had acceded to the Convention on 21 June 1993, but with reservations on three sections that were incompatible with Islamic Shari'a law. One of Morocco's reservations concerned Article 16 regarding spousal equality on entry into, and dissolution of marriage, because Islamic Shari'a "confers the right of divorce on a woman only by decision of a Shari'a judge." These reservations were considered to be no longer necessary after Parliament passed the reformed Family Code (the Moudawana) in 2004, which increased women's rights overall. In particular, Book Two, Title Four of the Code is about rights and responsibilities in divorce.

Source: International Knowledge Network of Women in Politics 2008; Stop Violence against Women 2008.

## Honour crimes

‘Honour crimes’ are the most notorious form of violence against women in several Arab societies. Such crimes single out women for engaging in what their families regard as immoral behaviour, which could entail anything from extra-marital sex to merely mixing with men from outside the family circle. The punishment for women can be as severe as death, especially if the prohibited act results in pregnancy. And in some countries, the law stands on the side of those who perpetrate such crimes by providing for reduced penalties in cases where “honour” is a motive.

The battles over Articles 98 and 340 of the Jordanian penal code are a case in point. Article 98 mandates the reduction of the penalty against a person who commits a crime when in a state of extreme fury over an unlawful or dangerous act committed by the victim. Article 340, in

paragraph 1, used to exempt a man from all punishment for killing, wounding, or maiming his wife or a female relative or the partner in the act of adultery. In 2001, after a long legislative battle, Article 340 was amended. The continuance of Article 98, which judges still resort to, effectively invalidates the amendment to Article 340.

In Lebanon, two studies on murders of women in the country issued in 2007<sup>6</sup> and 2008<sup>7</sup> on behalf of the Council on Violence against Women and the NGO, *Kafa*, show that article 562 of the Lebanese Penal Code allows for the application of reduced penalties for crimes intended to “preserve honour”. This provision has softened penalties for different forms of homicide targeting women, and has made committing crimes against them easier. One study shows that out of 66 deliberate murders of women, 26 per cent were motivated by honour, yet 55 per cent of the sentences

*‘Honour crimes’ are the most notorious form of violence against women*

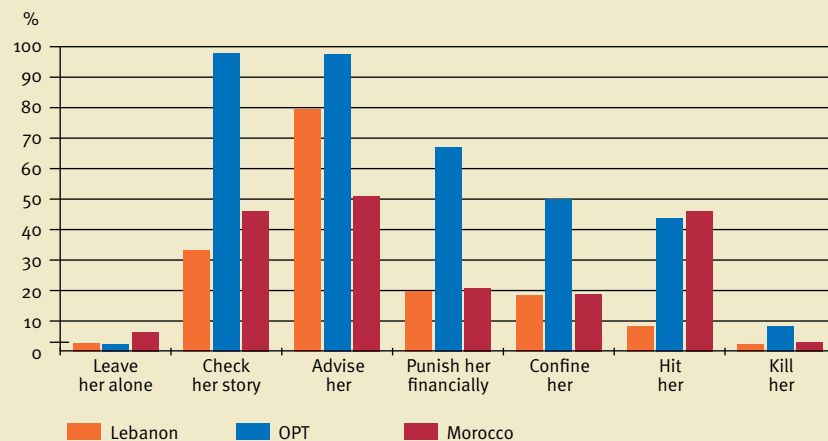
*The punishment for women can be as severe as death*

### Box 4-5

#### THE HUMAN SECURITY SURVEY – How would you deal with a “wayward” female?

The report’s Human Security Survey asked respondents in Lebanon, Occupied Palestine and Morocco how a male family member would react if a female member committed an act he regarded as a violation of custom or tradition. Respondents in Kuwait were not asked the question. In the Occupied Palestinian Territory, the majority were inclined to investigate the matter and to offer advice. The same applied, to a lesser extent, in Lebanon. In Morocco, opinion was spread more evenly over the three categories of response (advice, financial penalty, physical violence). The Palestinian respondents were given the opportunity to choose multiple answers. Over 60 per cent approved of stopping the woman’s financial allowance or confining her to the house, and 40 per cent favoured beating her. More than 40 per cent of the Moroccan respondents approved of physical beating. On the other hand, the numbers of those willing to let the matter drop, at one end of the scale, or to kill the woman, at the other, were low.

#### Response to a female family member who violates custom and tradition



**Table 4-4** Reported honour killings, 5 Arab countries

Country	Reported honour killings	Source	Period studied
Egypt	52	UN Division for the Advancement of Women/UNODC	Year 1995
Iraq (Erbil and Sulaimaniya)	34	UNAMI	Apr-June 2007
Jordan	25-30	UN-ESCWA	Year 2007
OPT	12	Save the Children	Year 2005
Lebanon	12	Save the Children	Year 1998

Sources: UN-ESCWA 2007; Save the Children 2007; UNAMI 2007; UN Division for the Advancement of Women and UNODC 2005. (See Statistical references).

*Laws on rape are either equivocal or actively biased against women*

showed the perpetrators leniency, ranging from finding them innocent to imposing prison sentences of just 14-15 years. By contrast, the usual penalty for first-degree homicide in Lebanon is either life in prison or death. A previous study in 1999, based on records of the Lebanese authorities between 1995 and 1998, has shown that the number of honour killings in Lebanon was around 12 crimes a year.<sup>8</sup>

There are no reliable figures on the prevalence of honour crimes in the Arab

countries from sources in the region. However, it is possible to form some impression from the limited estimates available from international sources which, however, are based on reported cases only.

## Rape and society

Rapes are seldom reported to the police in Arab countries, or covered by the press. The general perception is that sexual assaults on women are few and far between. In countries the world over, rape victims who let their cases go to trial face painful questioning, public exposure and the risk of being stigmatized. In Arab countries, where laws on rape are either equivocal or actively biased against women, and where family and society join to deny occurrences, preserve female virginity and downplay the crime in order to safeguard honour and reputation, few cases come before the courts. Thus, one of the most violent, intrusive and traumatic threats to women's personal safety continues while society averts its eyes. Where cases do surface, it is a courageous Arab woman

### Box 4-6

#### Gang rape

In recent years, there has been an increased and explicit recognition of some forms of violence against women as gang rape. Below are a selection of reported cases of gang rape in two Arab countries, (Algeria and Saudi Arabia) which were communicated to the UN Special Rapporteur on violence against women.

**Algeria:** The incident took place in Hassi Messouad (Southern Algeria) on the night of 13 to 14 July 2001. Several hundred men violently attacked a group of 39 women living on their own. The men physically and sexually abused almost all the women and ransacked their rooms. Several women were raped or gang raped. Subsequently 30 suspected perpetrators were prosecuted in the tribunal of Ouargla, which eventually sentenced 20 men to prison terms of six months to three years. Not a single perpetrator was convicted of rape. The Supreme Court quashed the judgement and ordered a retrial. In 2005, the tribunal of Biskra condemned the majority of indicted perpetrators to long prison sentences and ordered them to pay compensation to the victims.

**Saudi Arabia:** On 22 March 2007, a 19-year-old woman from al-Qatif met with a male companion. Shortly after, the two were kidnapped at knifepoint by a gang of seven men. The companion was attacked by the gang, but was then released. The woman was then raped by the gang. Four members of the gang were at the time sentenced by the Qatif General Court to prison terms ranging from one to five years, with floggings of up to 1000 lashes. The sentences were increased on 15 November 2007. Three other gang members reportedly turned themselves in before the conclusion of the trial. In an extraordinary inversion of justice, the *victim* of the gang rape and her male companion were convicted in 2006 of being alone in private with a member of the opposite sex who was not an immediate family member. The Special Rapporteur acknowledges that the victim was subsequently pardoned by the King in December 2007.

Source: UN Special Rapporteur on violence against women 2008n.



indeed who sues for her rights in the face of entrenched prejudice.

The UN Special Rapporteur on violence against women noted that, although Governments are asked to promote research, collect data and compile statistics concerning violence against women and encourage studies of its causes and consequences, there is still an alarming lack of such data in relation to women and girls.<sup>9</sup>

In the 2006, 2007 and 2008 reports, the UN Special Rapporteur has documented several cases of rape in different Arab countries namely in Bahrain, Iraq, Libya, Saudi Arabia, and Sudan. The Special Rapporteur also emphasized that the omission of a particular country or territory should not be interpreted as indicating that there is no

problem of violence against women in that country or territory.<sup>10</sup>

## Human trafficking

Human trafficking is a multi-billion dollar transnational industry that operates almost entirely underground. Its victims are the men, women and children who are abducted, coerced or enticed into various degrading forms of servitude for the gain of traffickers. For men, the trade entails forced labour under dehumanising conditions and without respect for labour rights. For women, it usually means domestic service often indistinguishable from slavery, sexual exploitation and work

*Human trafficking is a multi-billion dollar transnational industry that operates almost entirely underground*

Table 4-5

Incidence of reporting trafficking in persons according to the UN Office on Drugs and Crime (UNODC) citation index (alphabetical order)<sup>21</sup>

Countries	Country of origin	Country of transit	Country of destination	Profile of victims	Purpose of trade
Algeria	Medium	Low	Very low	Women and children	Sexual exploitation
Bahrain	NR	Very low	Medium	Women and children (girls and boys)	Forced labour and sexual exploitation
Egypt	Very low	Medium	Low	Women	Sexual exploitation
Djibouti	Low	NR	Very low	Women and girls	Sexual exploitation
Iraq	Low	NR	Low	Women and children (girls and boys)	Forced labour and sexual exploitation
Jordan	Low	Very low	NR	Women	Sexual exploitation
Kuwait	NR	NR	Medium	Women and children (girls and boys)	Forced labour and sexual exploitation
Lebanon	Low	Very low	Medium	Women and children (girls and boys)	Forced labour and sexual exploitation
Libya	NR	NR	Low	Women	NR
Morocco	High	Low	Very low	Women and girls	Sexual exploitation and forced labour
Oman	NR	NR	Low	Children (girls and boys)	Forced labour and sexual exploitation
Qatar	NR	NR	Medium	Women and children (girls and boys)	Forced labor and sexual exploitation
Saudi Arabia	NR	Very low	High	Women and children (girls and boys)	Forced labor and sexual exploitation
Somalia	Low	NR	NR	Women, children (boys and girls), men	Forced labor and sexual exploitation
Sudan	Low	NR	Very low	Women, men and children (mainly boys)	Sexual exploitation and forced labour
Syria	Very low	NR	Medium	Women	Sexual exploitation
Tunisia	Low	NR	NR	Women and children	Sexual exploitation
UAE	NR	NR	High	Women, children (girls and boys), men	Sexual exploitation and forced labour
Yemen	Very low	NR	Low	Women and children	Forced labour and sexual exploitation

Source: UNODC 2006.

\*NR: Not reported.

in nightclubs; and, for children, it leads to forced employment as, for example, beggars, itinerant vendors, or camel jockeys, or to sexual exploitation, including child pornography. For some children, tragically, it begins with their conscription into armed combat, sometimes in official armies and at other times in the militias which fight them.

Little accurate information is available on human trafficking. Most of this criminal enterprise is hidden behind legitimate activities, with cross-border trails that are hard to track. In countries where the central authorities have collapsed, smuggling is carried out in the open. In most other countries, human trafficking rings frequently conceal themselves as employment agencies. Behind this front they practice the most atrocious forms of exploitation, deceiving people into believing that they are mere middlemen working to connect their “clients” to a labour market or prospective employer. In fact, these agencies keep their victims dangling with false promises the fraudulence of which is only discovered when the vision of paradise in destinations such as Europe or the Gulf is punctured in the face of the dubious and often dangerous channels for the journey to their destination, or when the victims discover that the jobs marked for them bear no relationship to the type, legality or terms of service of the employment originally promised.<sup>12</sup>

Trafficking in persons in the Arab countries has certain clear traits. One is that countries play various roles and sometimes multiple roles. They can be destinations for the trade, as is the case with all the Gulf countries and, to a certain degree, Jordan and Lebanon. They may act as a transit point for such commerce, as in the cases of Algeria, Egypt, Jordan, Lebanon and Morocco. Or they may be a source of persons being trafficked, as from Algeria, Jordan, Morocco, Somalia, Sudan and Tunisia.

However, Arab countries are not the only sources of victims of human trafficking in the region. The Arab countries have become a major destination for trade in persons coming from many regions around the world: Southeast Asia, Eastern Europe and Asia Minor and Central Asia. The end-points of this traffic are, primarily, the Gulf countries and countries, such as

Egypt, Jordan, and Lebanon. Sub-Saharan countries are another point of origin of such traffic. Countless numbers of persons from that region make their way to North African countries, notably Libya, Morocco, and Tunisia, with the aim of crossing into Europe. Many fail in their attempts to do so, and are left stranded until their hoped-for opportunity arrives. Meanwhile, they eke out a living in menial jobs, if they are lucky, or turn to begging, itinerant vending or prostitution. In addition to these trans-border dynamics, the source-to-destination cycle of human trafficking may sometimes be confined to one country, as occurs in Djibouti, Mauritania, Somalia, and Sudan, and, to a lesser extent, Egypt and Tunisia.

The minimum harm that can come to the victims of such commerce is that they end up as domestic servants. Many who have fallen into the clutches of this trade, however, have met far worse fates, having been driven into conditions akin to slavery and forced to work as servants or as a source of pleasure for the warring militias in Somalia and Sudan. In other cases, if they do not end up as household slaves in the Gulf or Mali or Mauritania, for example, they might be exported to militias in neighbouring countries, such as the Lord’s Resistance Army in Uganda, which has recruited children and captive women from southern Sudan.

Traffickers use different techniques to intimidate and enslave victims. Some simply lock their charges up. Other less obvious techniques include:

- Debt bondage and other financial strings to keep victims in a state of dependence, including holding back wages “for safekeeping”
- Quarantine from the public: limiting and monitoring victims’ contact with outsiders
- Isolation from their families, kinsfolk and religious communities
- Confiscation of passports, visas and/or identification documents
- The use or threat of violence toward victims and/or their families
- The threat of humiliation by exposing victims’ circumstances to their families
- Telling victims they will be imprisoned or deported for immigration violations if they contact authorities

*The Arab countries have become a major destination for trade in persons*

*Traffickers use different techniques to intimidate and enslave victims*

## Women and children in theatres of conflict

### Rape as a weapon of war

Arenas of war and conflict extend the continuum of violence to which women are exposed in peacetime, but with heightened and distinct forms of vulnerability. The World Health Organization classifies these vulnerabilities as including random acts of sexual assault by both enemy and “friendly” forces and mass rape as a deliberate strategy of ethnic cleansing and domination.<sup>13</sup> Around the world, armed conflicts have compelled women into military sexual slavery, forced prostitution, forced “marriages” and forced pregnancies. These conflicts are scenes of multiple rapes and gang rape. During wars, women are sometimes forced to offer sex for survival, or in exchange for food, shelter, or “protection”. Young unaccompanied girls, elderly

women, single female heads of household and women in search of fuel wood and water are especially exposed to such attacks. Rape victims suffer profound and lasting physical and psychological trauma. For many, the transmission of HIV-AIDS from their violators is effectively a death sentence. Ethnic conflicts are notorious scenes of such mass violations, among the most abominated examples of which in recent times have been the Democratic Republic of Congo, Rwanda, Uganda, and Yugoslavia, and, in the Arab countries, Darfur.

War-time assaults on women take place in a context of lawlessness, displacement and armed clashes in which gender roles are polarized. In these theatres, men often compensate for their own insecurities and loss of dominance through intensified aggression against women. Encouraged by their military commanders, in a climate of “guts and glory”, invading troops may use

*For many women, the transmission of HIV-AIDS from their violators is effectively a death sentence*

#### Box 4-7

#### Screams in the desert – the women of Darfur

Five years into the armed conflict in Sudan’s Darfur region, women and girls living in displaced persons camps, towns, and rural areas remain extremely vulnerable to sexual violence. Assaults on women continue to occur throughout the region, both in the context of attacks on civilians, and during periods of relative calm. Those responsible are usually men from the government security forces, militias, rebel groups, and former rebel groups, who target women and girls predominantly (but not exclusively) from Fur, Zaghawa, Masalit, Berti, Tunjur, and other non-Arab ethnicities.

Survivors of sexual violence in Darfur have no meaningful access to redress. They fear the consequences of reporting their cases to the authorities and lack the resources needed to prosecute their attackers. Police are physically present only in principal towns and government outposts, and they lack the basic tools and political will for responding to sexual violence crimes and conducting investigations. Police frequently fail to register complaints or conduct proper investigations. While some police seem genuinely committed to service, many exhibit an antagonistic and dismissive attitude toward women and girls. These difficulties are exacerbated by the reluctance to investigate crimes committed by soldiers or militia, who often gain effective immunity under laws that protect them from civilian prosecution.

The Sudanese government has said it is committed to combating sexual violence in Darfur. In November 2005 it launched a National Action Plan on Combating Violence against Women and in December 2005 the Ministry of Justice

created a special Unit to Combat Violence against Women and Children to oversee the National Action Plan and coordinate activities. The governors of the three Darfur states have each established state-level committees—composed of a cross-section of local authorities—to address violence against women.

But these measures have so far failed to address root causes of sexual violence, prevent pervasive and persistent incidents of sexual violence throughout Darfur, or reverse the climate of impunity that perpetuates it. The government has not yet made serious efforts to deter or stop soldiers or militia forces from committing sexual violence. Neither has it held those who do accountable. Finally, it has done too little to address debilitating weaknesses in the police and justice sectors. Women and girls continue to be brutally beaten and raped. Social stigma and obstacles to justice continue to discourage women and girls from seeking redress, while members of the armed forces remain shielded from prosecution.

From 2004 on, the African Union peacekeeping mission, known as AMIS, made efforts to protect women and girls victimized by sexual violence. But a lack of resources and various logistical and security challenges undermined these efforts. On January 1, 2008, an expanded United Nations-African Union mission (UNAMID) took over the mandate of the African Union mission and has been tasked to ensure security for humanitarian agencies, protect civilian populations and monitor peace agreements.

Source: HRW 2008c.

*In conflict situations, rape and sexual violence against children continue to be systematic and widespread*

rape as a weapon of war to subjugate and humiliate their targets.

In June 2008, the UN Security Council unanimously adopted Resolution 1820<sup>14</sup> in which it demanded the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians”. The resolution noted that women and girls are particularly targeted by the use of sexual violence, in some cases as “a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group”.

### Child rape during armed conflict

In conflict situations, rape and sexual violence against children continue to be systematic and widespread. Children in and around refugee camps and internally displaced persons’ settlements are especially vulnerable.

In Somalia, according to the 2008 report of the Secretary-General on children and armed conflict,<sup>15</sup> reported cases of rape and other sexual assaults carried out against children increased from 115 in 2006 to 128 during the period from 16 March 2007 to 15 March 2008. Of the rape cases of children reported by child protection monitors, only a minority are alleged to have been carried out by parties to the conflict. Nonetheless, the continued fighting has rendered women

and children more vulnerable to sexual violence because of displacement, destitution, the breakdown of the rule of law and the re-emergence of armed groups and freelance militias—all a result of the ongoing conflict. There are reports of victims as young as 3 months old. Most at risk are women and girls living in open and unprotected settlements for internally displaced persons, particularly those who belong to a minority clan in the area where they are living.

In the Raf and Raho and Tuur Jalle settlements for internally displaced persons (IDPs) in Bosaso there were 31 cases of rape against children reported in one month alone. In the Bulo Mingis settlement in Bosaso 25 rapes of children were reported in October 2007. In the first week of November 2007, three girls, aged 7, 12 and 18 years, were raped in the settlement. During 2007, forty children were raped and 12 children experienced attempted rape in five settlements for internally displaced persons in Somaliland, including Hargeisa and Sheikh-Nur. Internally displaced persons in most settlements reported that the perpetrators were fellow IDPs, people from the host community and the police. Though most of the reported rapes were carried out by civilians, there are several reports of sexual assaults by parties to the conflict, including militia members and Transitional Federal Government and Ethiopian troops. In particular, roadblocks set up and controlled by militias or gangs are locations where many incidents of sexual violence have reportedly occurred. In May 2007, militia members stopped a minibus at a checkpoint and raped eight women and five girls. There have also been several cases of girls raped while fleeing Mogadishu. In the first half of 2007, there were four such verified cases of girls attacked by men dressed in Transitional Federal Government uniforms.

These rapes and other sexual assaults are often carried out with impunity. Traditional and community justice mechanisms frequently ignore the victim and negotiate with members of the perpetrator’s clan, proposing a financial settlement (ranging from camels to such sums as \$800) with the family of the victim by the perpetrator or his clan, or marriage of the victim to the perpetrator. Meanwhile, the victim is considered dishonoured.

*There are reports of victims as young as 3 months old*

#### Box 4-8

#### The case of Abeer

The Al-Mahmudiyah killings took place on March 12, 2006 in a family house in a small village, south of Baghdad, Iraq.

Five United States soldiers with the 502<sup>nd</sup> Infantry Regiment, gang-raped and murdered a 14-year old Iraqi girl named Abeer, after shooting dead her mother, Fakhriyah, 34; her father, Qasim, 45; and her sister, Hadeel, aged 5.

In sworn testimony given under plea bargain, one of the soldiers stated that the soldiers noticed Abeer, at a checkpoint. They stalked her after one or more of them expressed his intention to rape her. On March 12, 2006, they burst into Abeer’s home, locked her mother, father, and five-year-old sister in another room and then killed them. The soldiers then took turns raping Abeer. Finally, they murdered her.

Between November 2006 and August 2007, martial courts gave sentences ranging between 90-110 years in prison to the perpetrators.

Source: BBC News 2007a, 2007b, 2008.

According to the 2007 report of the Secretary-General on children and armed conflict in Sudan,<sup>16</sup> rape is widespread in Darfur, and used as a weapon of war. It is clear that the problem extends far beyond the 62 cases that have been confirmed. Generally, perpetrators are armed men, often in uniform, targeting internally displaced persons or village women and girls on their way to and from livelihood activities. In many incidents, victims identified perpetrators as elements of Sudanese Armed Forces, the central reserve police and the Janjaweed. Unidentified armed men have allegedly committed rape in a number of other incidents. Increasingly, the trend in Darfur seems to indicate that younger girls are being specifically targeted for rape. There were also five boys among 62 confirmed reports of rape during the year. Also, in Southern Sudan and the three areas, there were six confirmed cases of rape reported during the period from 16 July 2006 to 30 June 2007, with responsibility attributed to members of armed forces or groups.

On 15 April 2007, two girls, ages 10 and 12, from Northern Darfur, returning home from working on a farm, were approached by two armed soldiers dressed in green khaki uniforms. One soldier pushed the 12-year-old girl to the ground and raped her while the other continued beating the 10-year-old. Upon seeing a group of internally displaced persons approaching, the soldiers reportedly quickly escaped southward in the direction of the Sudan Alliance Forces military camp in nearby Umm Dereisa. Two Sudan Liberation Army (Minawi) soldiers raped a 12-year-old girl at Taradona in Northern Darfur on 15 October 2006. She was brutally attacked and beaten. The allegation was confirmed and attributed to Sudan Liberation Army (Minawi). In September 2006, it was confirmed that four Sudan Alliance Forces soldiers raped a girl 16 years of age in Eastern Jebel Marra. The attack was carried out in the presence of the girl's six-month-old son, who was born as a result of an earlier rape. These rape cases reflect the daily atrocities to which girls are subjected, many of which occur when girls are fetching water, collecting firewood or performing other such domestic chores.

In Darfur, investigation and prosecution of the crime of rape is very rare and the justice system is very weak. Many cases go unreported owing to the stigma attached to the survivor. During the reporting period, there were three cases recorded that involved two central reserve police officers and one Sudan Alliance Forces soldier who were prosecuted for the alleged rape of children as young as 13 years of age.

### Marching children to war

Children are easy prey to practices ruinous to their security. Not only do such practices impair their liberty, but they also expose them to extreme harm, ranging from psychological stunting and physical injury to death. The cruellest of such practices is the recruitment of children for war, which generally takes three forms: firstly, their recruitment into active combat, a phenomenon known as child soldiering; secondly, their use in 'support' activities such as carrying equipment, spying and surveillance, transmitting messages, and the performance of sexual services; and, thirdly, their use as human shields or to disseminate propaganda.

Internal strife or foreign occupation in developing countries furnishes the conditions that facilitate the exploitation of children in these ways. Such conditions include the breakdown of public security, political instability, disruption in the work of educational institutions, the break-up of families, poverty, rampant unemployment, and the displacement of populations and their flight abroad. Such circumstances render it difficult to distinguish between children who "volunteer" to serve in battle as a source of income and those who are pressed into this service which is so detrimental to their intellectual, psychological, and physical growth.

Nevertheless, it is possible to distinguish between two different types of cases of children's involvement in military activities in the Arab countries. The first is that of Sudan and Somalia, where the recruitment of child soldiers is widely reported. The second is that of the other conflict zones, in Iraq, Lebanon, and the Occupied Palestinian Territory, in which

*Many cases go unreported owing to the stigma attached to the survivor*

*Children are easy prey*



*Only a small number of Arab countries have committed to prohibit the recruitment of children into military activities*

children, voluntarily or under coercion, play support roles, while suffering under the armed conflicts in these areas.<sup>17</sup>

Only a small number of Arab countries have committed themselves before the international community to prohibit the recruitment of children into military activities. Thirteen Arab countries have ratified the Optional Protocol to the Convention on the Rights of the Child pertaining to the participation of children in armed conflict. These are Bahrain, Egypt, Iraq, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Sudan, Syria, Tunisia and Yemen. Three other countries (Djibouti, Lebanon, and Somalia) have signed the protocol but have not ratified it. The protocol reaffirms the states' commitment to protecting children from involvement in armed conflict and calls for the demobilization of all children under the age of 18.<sup>18</sup> Even if the recruitment of child combatants is restricted to conflict zones in the Arab countries, all Arab governments must clearly commit themselves to fighting the phenomenon. This applies all the more to those governments that ratified the protocol, which need to take all measures necessary to put their obligations into effect.

According to the Global Report on Child Soldiers produced by the 'Coalition to Stop the Use of Child Soldiers', there were an estimated 17,000 children in government forces, allied militias and opposition armed groups in the north, east, and south of Sudan in March 2004. Between 2,500 and 5,000 children served in the armed opposition group, the Sudan's People's Liberation Army (SPLA), in the south. Although the SPLA claimed to have demobilised over 16,000 children between 2001 and 2004, the report maintains that the army continues to recruit child soldiers. In addition, the Ugandan rebel Lord's Resistance Army has held some 6,000 children as hostages in southern Sudan. The humanitarian crisis in Darfur has also had alarming consequences for children. As this crisis unfolded, there were increasing reports of children being abducted and pressed into service with the armed forces and warring militias. Children below the age of 14 were reported to have been seen serving in the government forces and police in Darfur, as well as in the ranks of the pro-government militias known as the Janjaweed. There is

*Governing authorities have agreed to criminalise these activities*

corroborated evidence that the Sudanese armed forces, the Justice and Equality Movement (al-Salam Faction), the four factions of the Sudan Liberation Army, the Popular Defence Forces, the Janjaweed and the central police reserves all recruit child soldiers.

While the use of children in military activities in Sudan has not ceased, there have been signs of some improvement in the south and east and in Darfur. Firstly, some warring parties in these areas have undertaken pledges to UNICEF to demobilise child soldiers and to permit international organisations to inspect their camps in order to ensure that these parties are fulfilling their commitments. Secondly, governing authorities have agreed to criminalise these activities and to allocate funds to the re-assimilation of children into normal life. The National Unity Government in Khartoum and the government of South Sudan pledged themselves to these obligations following the visit of the UN Special Envoy on Sudan to the country in January 2007. In Darfur, in June 2007, the Minni Minnawi faction of the Sudan Liberation Army signed an action plan with UNICEF to end the recruitment and the use of children in combat, in accordance with which SLA/Minnawi pledged to demobilise the children serving its ranks. Nevertheless the Global Report notes that, as of June 2007, this faction had so far undertaken no concrete action to meet its obligations. It further concludes that all parties to the conflicts in Sudan were guilty of killing, maiming, and abducting children and committing rape and other sexual violence against them during the period covered by the report, which went up to August 2007.<sup>19</sup>

In Somalia, all warring factions including the interim government engage in the recruitment of child soldiers. The practice has become extremely widespread since the collapse of the central government and under conditions of the proliferation of militias and the massive flight and internal displacement of persons. The UN Special Representative for Somalia estimated that about 200,000 Somali children, or about 5 per cent of all children in the country, have carried arms or otherwise taken part in militia activities at one point in their lives.<sup>20</sup> There have been numerous reports of boys aged 14 or 15 participating in militia

attacks, and many youths have joined the criminal gangs known as the moryaan (parasites).<sup>21</sup> Among the many groups that recruit children into combat are the Transitional Federal Government, the Juba Valley Alliance, the Somali Reconciliation and Reconstruction Council, and the Somali Reconciliation and Reconstruction-Mogadishu, and the Rahanwein Resistance Army.

According to the 2007 Report of the Secretary-General on children and armed conflict in Somalia,<sup>22</sup> one of the challenges in addressing the recruitment and use of children in fighting forces is the fact that this is a long-standing practice in Somali culture. Boys over the age of 15 are considered adults and as such it is considered acceptable for them to carry arms. Moreover, given the nomadic and clan-based structure of traditional Somali life, boys have historically been expected to defend family or clan property from a young age. The use of children in conflict is thus particularly pervasive and difficult to challenge.

Furthermore, displacement, abandonment and neglect, orphanhood and destitution have made many children, especially those living and working on the streets, particularly vulnerable to recruitment. Reports indicate that the recruitment of children significantly increased in 2006 owing to the conflict in Mogadishu between the Islamic Courts Union (ICU) and the warlord groups of the Alliance for the Restoration of Peace and Counter-Terrorism, as well as the conflict throughout central and southern Somalia between the ICU and the Transitional Federal Government (TFG). However, the number of children recruited or involved in the hostilities cannot easily be verified as there is no birth registry in Somalia, making it difficult to determine the age of an adolescent or young person involved with an armed group. Beyond the widespread eyewitness reporting of children as young as 11 years of age at checkpoints and in the military vehicles of various parties to the conflict in Mogadishu in 2006, interviews were conducted by UN child protection monitors with 14 boys actively serving in the Union of Islamic Courts and armed groups.

The obvious physical and psychological damage inflicted upon children through

their participation in armed conflict leaves its mark on them throughout their lives, if they are fortunate to survive the experience. Deprived of a stable family life, they lose the opportunity for a regular education and the chance to acquire life-sustaining skills. Instead, they become accustomed to using force to resolve disputes or to gain a living. Guns, not books, become their way of life. It is not surprising that many youths have enlisted with organised crime rings or engaged in piracy along the Somali coast. Somali piracy and banditry extend anarchy to the high seas; with rampant unemployment and poverty closing off the avenues to a legitimate livelihood, they have become a high-risk, high-reward source of income for some.

### The situation of refugees and internally displaced persons

Among regions, the Arab region may be unique in the nature of its refugee situations. It is the site of the world's longest-standing refugee question, that of the Palestinians, as well as its latest such problem, in Darfur. Two types of refugee must be distinguished: those forced to leave their original home but remaining within their own country—these are internally displaced persons (IDPs)—and those forced to leave their country. However, the legal status of refugee, as defined in the 1951 Convention relating to the Status of Refugees, is only accorded to those who, owing to well-founded fears of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and who are unable or unwilling, for fear of persecution, to seek the protection of that country; or those who, not having a nationality and being *outside* the country of their former habitual residence, are unable or, owing to such fear, are unwilling to return to it.

### Refugees

The issue of refugees is connected to human security in three respects—the place of origin, the progress of the experience, and its conclusion. The reasons for

*Guns, not books, become children's way of life*

*Somali piracy and banditry extend anarchy to the high seas*

*The entire refugee experience is fraught with risks*

*Most refugees remain permanently scarred by humiliation and persecution*

becoming a refugee are themselves grave threats to human security—at a minimum, loss of work and source of income, and at the worst threats to life coming from occupying armies or rival militias. The entire refugee experience is fraught with risks—inability to obtain work or income to meet basic needs, exposure to discrimination and oppression, and social exclusion. And the refugee experience may never end, for a person may die a refugee and pass this status on to a second generation.

There are real difficulties in calculating the number of refugees in the world. However, it is estimated that the Arab countries contain approximately 7.5 million refugees, in the form of those registered by the UN High Commission for Refugees (UNHCR) and the UN Relief and Works Agency (UNRWA), for the year 2008. This share represents 46.8 per cent of the 16 million global refugees registered under UNHCR and UNRWA for the year 2008.<sup>23</sup>

The largest number of refugees, mostly Palestinians and Iraqis, is found in Jordan, Syria, and OPT. Jordan and Syria each hosts more than 2 million refugees, and approximately 1.8 million are in the OPT. In terms of their countries of origin, more than half are Palestinians, who in 2007 exceeded 4 million. They are followed by Iraqis at more than 2 millions, Sudanese,

estimated at around 300,000, and Somalis at more than 200,000.

Approximately 4.6 million Palestinian refugees, live in camps divided between three Arab states in addition to the West Bank and Gaza. The largest concentration of them is in Jordan, the next is inside the Palestinian territories, followed by Syria and Lebanon.

Conditions for refugees vary considerably according to how long they have been refugees, the country of asylum, and the assets they possessed or were able to access when they left their original places of domicile. These include educational and skill levels, savings, and friends and acquaintances able to provide assistance. Those living the first stage of being a refugee and who do not possess assets of value encounter common economic threats through the loss of employment, adequate income, housing, and appropriate nutritional and health conditions.

The longer one remains a refugee, the more one adjusts to difficult circumstances. This is particularly the case for the Palestinians inside and outside the Occupied Palestinian Territory. Nevertheless, receiving aid and becoming inured to harsh conditions do not mean an end to suffering. (Sari Hanafi, background paper for the report). Most refugees remain permanently scarred by humiliation and persecution, and continue to feel the loss of their homeland.<sup>24</sup> In some host countries, Palestinian refugee camps have become developed neighbourhoods. In some countries, the Palestinian refugees are eligible to work and receive social services, such as in Syria and Jordan.<sup>25</sup> In contrast, Palestinian refugees in Lebanon face severe difficulties in obtaining work and are denied ownership rights. As a result they live in very straitened circumstances and in poor and overcrowded camps.

Some data is available on the conditions of Iraqi refugees in Jordan. They migrated largely as families and consist of a higher proportion of females than males. The educated represent a high proportion, and 70 per cent are of working age (over fifteen years old). Yet less than 30 per cent actually work, so most live off their savings or remittances from Iraq. Thus the return to Iraq of small numbers in the latter part of 2007 at times reflected more the exhaustion of savings than it showed

**Table 4-6** Total UNHCR and UNRWA refugees, by country of origin and residence, 2007

Refugees originating from	Residing in**			
	Syria	Jordan	Iran	Lebanon
Iraq				
	1,500,000	500,000	57,414	50,000
Somalia				
	192,420	25,843	5,980	110,616
Sudan				
	242,555	35,493	10,499	729
OPT* (UNRWA refugees)				
	1,930,703	1,813,847	456,983	416,608

Source: UNHCR 2008; UNRWA 2008.

Notes: UNHCR refugees include UNHCR-assisted refugees and people in refugee-like situations. UNRWA refugees include registered refugees in official camps.

\* Data as of June, 2008. Under a UNRWA operational definition, Palestine refugees are persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.

\*\* The number residing in countries that are the main destination countries of the refugees.

relative improvements in the security situation. Refugee agencies indicate that increasing numbers are seeking asylum in advanced industrial nations. (Sari Hanafi, background paper for the report).

A recent survey indicates that a significant number of Iraqis lack the residence permit that Jordan requires for all foreigners. The survey showed as well that there was an important income dimension to possession of permits; while some 80 per cent of the wealthy held these permits, only 22 per cent of poor refugees possessed them. Over one-third (35 per cent) of Iraqis asked said they would like to register with the UNHCR, but the proportions of those actually registered were higher among Christians and the poor—only 15 per cent of wealthier refugees had registered, compared with 50 per cent of poorer ones (Sari Hanafi, background paper for the report).

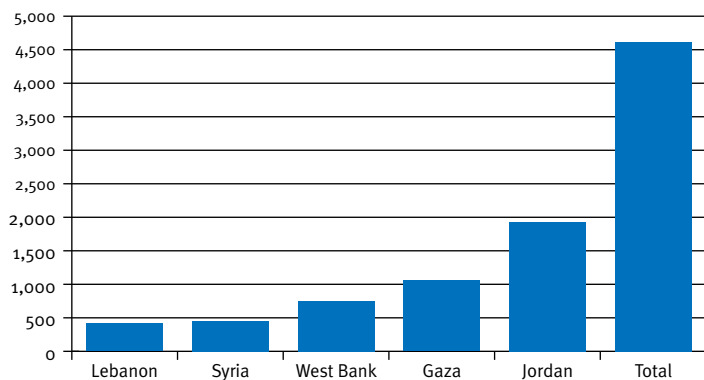
Another study of Iraqis, in Syria, indicates that they are not living in refugee camps but residing in residential apartments. Some came to Syria on their own under the threat of death or abduction and are waiting for their families, who may or may not join them. Health care depends on income: those who can afford it are able to see a doctor, while the poor depend entirely on primary health centres in cases of emergency and for their health needs. They can also attend Palestinian Red Crescent clinics which are not usually frequented by Syrians. While these clinics may be crowded, they are well run.

Although Syrian educational institutions have opened their doors to Iraqis, one study noted that the number of Iraqi children enrolled in Syrian schools was about 30,000. The study attributed this to children having to work to support their families, neglecting their education. The study indicates that Iraqis who arrive in Syria bring little money with them for fear of being robbed on the way; if they stay in Syria, they depend on remittances from relatives, if these are able to send anything. Otherwise, they are forced to look for work in Syria, which is finding it hard enough to provide full employment to its citizens.<sup>26</sup>

The situation for Sudanese and Somali refugees is undoubtedly much worse. The two countries are poorer and refugees flee

Figure 4-2

Location of UNRWA-registered Palestinian refugees in thousands, 2008



Source: UNRWA 2008.

to equally poor countries, such as Chad and Yemen. Moreover, their predicament is more recent, particularly for those from Darfur and for the victims of the armed conflict between the Islamic Courts Union and their opponents among the Somali warlords and Ethiopian forces. According to the World Food Programme (WFP) 670,000 people fled fighting in Mogadishu in 2007.<sup>27</sup> Conditions in Somalia have deteriorated to the extent of making people take the risk of crossing the sea. Indeed, of these refugees, 30,000 reached Yemen during 2007 by crossing the Gulf of Aden, a voyage which another 1,400 attempted only to die or disappear along the way.<sup>28</sup>

For those that find refuge, whether in Chad, Jordan, Syria, Yemen, survival does not lessen the sense of omnipresent danger. Propelled to flee by conditions of grave insecurity, refugees continue to live with the insecurities associated with their status. They are at the mercy of political and economic events in the host country, which could suddenly turn against them at any time, especially if public opinion links their presence to increases in the cost of living or to competition for jobs and public services. If states like Jordan and Syria treat Iraqi and Palestinian Arab refugees decently, this is not the case regarding the Sudanese and Somalis in their countries of asylum. The reason why people become refugees is that their human security is threatened; the extension of their plight is also such a threat.

*Propelled to flee by conditions of grave insecurity, refugees continue to live with insecurities associated with their status*



## Internally displaced persons

Alongside the refugees are the Internally Displaced Persons (IDPs). Reasons for becoming a refugee or IDP are many, but there are some common factors: both are victims of international and local conflicts; both are victims of occupation and attacks from warring militias.

The total number of internally displaced persons is not less than 9.86 million.<sup>29</sup> A large proportion is found in six Arab states—Sudan, Iraq, Somalia, Lebanon, Syria and Yemen. The greatest number is found in Sudan which the Internal Displacement Monitoring Center<sup>30</sup> has estimated to be between 4.5 million and 5.8 million. Iraq comes second, with around 2.4 million, then Somalia with approximately 1 million.

In Somalia, two years of unconstrained warfare and violent rights abuses have generated an ever-worsening humanitarian crisis. According to the report of the Secretary-General on the situation in Somalia,<sup>31</sup> almost 750,000 people or about two-thirds of the population of Mogadishu are reported to have fled that city between 15 March 2008 and 15 July 2008. This brings the estimated number of people who have streamed out of Mogadishu since the current conflict started to well over 1 million. Some 300,000 of them are living in tents on the outskirts of the capital. Urban dwellers are being forced to make stark choices—pulling their children out of school, forgoing medicines and having only one meal a day—to cope with the lack of

food. If the humanitarian situation continues to deteriorate, 3.5 million people could be in need of assistance by the end of 2008. According to a 2008 Human Rights Watch report,<sup>32</sup> across south-central Somalia, 1.1 million Somalis are displaced from their homes. Hundreds of thousands of displaced people are living in squalid camps along the Mogadishu-Afgooye road that have themselves become theaters of brutal fighting. Freelance militias have robbed, murdered, and raped displaced persons on the roads south towards Kenya.

In Sudan, recent clashes in Abyei resulted in approximately 30,000 people being displaced from Abyei town.<sup>33</sup> According to UNHCR,<sup>34</sup> protection remains the most fundamental need of IDPs in Sudan. IDPs settlements lack security, basic services and livelihood opportunities. In Darfur, insecurity remains the major constraint for IDPs, returning refugees and humanitarian workers. Attacks and tribal clashes continue in the villages, causing more displacement. Access to persons of concern is a challenge for humanitarian workers. Furthermore, road attacks targeting NGOs and international organizations are frequent. Helicopters are the only reliable means of transportation, increasing operational costs. In Khartoum, the displaced population has specific needs related to their situation such as documentation, access to land and physical safety. Access to adequate information on areas of origin must also be addressed. The absence of livelihoods and jobs increases the risk of women and children being exploited. UNHCR reports that, with so many humanitarian challenges in the Sudan, addressing IDP needs has not been given priority. The agency further notes that particular attention should be paid to preventing sexual and gender-based violence, of which there are many cases among displaced persons.

*The total number of internally displaced persons in Arab countries is not less than 9.8 million*

**Table 4-7** Estimated numbers of internally displaced persons in Arab countries, 2007

Country	Number of IDPs	
	Total (rounded figures, high estimates)	IDPs protected/assisted by UNHCR
Sudan	5,800,000	1,250,000
Iraq	2,480,000	2,385,865
Somalia	1,000,000	1,000,000
Syria	430,000	-
Lebanon*	390,000	200,000
OPT	115,000	-
Yemen	35,000	-

Source: UNHCR 2008; IDMC 2008.

\* UNHCR data for Lebanon refers to 2006.

## Conclusion

Societies can be measured by how they treat the vulnerable in their midst. On that measure, this chapter has tried to illustrate how far Arab countries have to go to understand and address the human predicaments of those who fall below their radar: the women routinely abused and



violated while the public looks the other way; the slaves trafficked underground to service the mills, households and sex spots of the wealthy; the children conscripted to the profession of death; and the displaced who take risk-fraught flight from the region's wars, lack of freedoms and diminished livelihoods.

What the state and society do not see, they cannot protect. It is necessary to begin the search for answers to human insecurity on this scale by acknowledging the existence, extent and sources of such vulnerabilities.

#### Box 4-9

#### Breaking the silence surrounding violence against women

The silence surrounding acts of violence against women is one of the most significant obstacles to ending such violations as it makes it difficult to determine facts and consequences. The long-term nature and cost of cultural development programmes, which could help address the problem, are other obstacles. But this phenomenon is starting to be exposed through the reports of national and international human and women's rights organizations and through studies conducted by research centres and women's shelters. Furthermore, the media have lately started to break through the taboos surrounding this subject.

All Arab countries need laws that unequivocally criminalize acts of violence against women. However, changing laws alone will not suffice to change the culture of impunity that perpetuates threats to Arab women's personal security. A profound shift in attitudes is required to combat deep-seated discrimination against women. Beyond the necessary reform of how laws are written, applied and interpreted lie complex questions about culture, tradition and society. In a 21<sup>st</sup> century environment, Arab states have a profound responsibility to help bring about overdue social and cultural changes to increase women's personal security. A firm stand must be taken against gender biases in all areas of life, beginning with values implanted through the education system and continuing through to discriminatory practices and stereotyping in the workplace, the media and society at large.

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Source: The Report team

## Endnotes

- <sup>1</sup> UNICEF and Innocenti Research Center 2000.
- <sup>2</sup> UN General Assembly Resolution, 1994.
- <sup>3</sup> UN-Department of Economic and Social Affairs (DESA) 2007a.
- <sup>4</sup> UNICEF 2009a. "FGM is a fundamental violation of the rights of girls. It is discriminatory and violates the rights to equal opportunities, health, freedom from violence, injury, abuse, torture and cruel or inhuman and degrading treatment, protection from harmful traditional practices, and to make decisions concerning reproduction. These rights are protected in international law."
- <sup>5</sup> The Arab Republic of Egypt 2008.
- <sup>6</sup> Hoyek, Sidawi and Abou Mrad 2005.
- <sup>7</sup> Beydoun 2008.
- <sup>8</sup> Moghaizel and Abd el Sater 1996 (in Arabic).
- <sup>9</sup> UN Special Rapporteur on Violence against Women, 2008m.
- <sup>10</sup> UN Special Rapporteur on Violence against Women, 2006.
- <sup>11</sup> The index indicates the number of sources reporting an information variable concerning a particular country according to a 5-point scale, from very low to very high, in comparison to all other countries (e.g. information indicating that a specific country or territory is an origin, transit or destination of trafficking in persons).
- <sup>12</sup> ILO 2008a.
- <sup>13</sup> WHO 1997.
- <sup>14</sup> UN Security Council Resolution, 2008g.
- <sup>15</sup> UN Report of the Secretary-General, 2008a.
- <sup>16</sup> UN Report of the Secretary-General, 2007b.
- <sup>17</sup> McManimon 1999.
- <sup>18</sup> Coalition to Stop the Use of Child Soldiers 2004; 2008.
- <sup>19</sup> Coalition to Stop the Use of Child Soldiers 2004; 2008.
- <sup>20</sup> Coalition to Stop the Use of Child Soldiers 2004.
- <sup>21</sup> Coalition to Stop the Use of Child Soldiers 2008.
- <sup>22</sup> UN Report of the Secretary-General, 2007a.
- <sup>23</sup> UNDP/AHDR calculations based on UNHCR 2008; UNRWA 2008.
- <sup>24</sup> Abu Zayd 2008.
- <sup>25</sup> According to the United Nations Relief and Works Agency, Palestinian refugees in Jordan are eligible for temporary Jordanian passports, which do not entitle them to full citizenship rights such as the right to vote and employment with the government. [<http://www.un.org/unrwa/refugees/jordan.html>].
- <sup>26</sup> Al-Khalidi, Hoffmann and Tanner 2007.
- <sup>27</sup> WFP 2008a.
- <sup>28</sup> UN-OCHA 2008b.
- <sup>29</sup> Internal Displacement Monitoring Centre 2008.
- <sup>30</sup> Internal Displacement Monitoring Centre 2008.
- <sup>31</sup> UN Report of the Secretary-General, 2008i.
- <sup>32</sup> HRW 2008a.
- <sup>33</sup> UNMIS 2008.
- <sup>34</sup> UNHCR 2009.