

# The Family Protection Bill

For a Family Life  
Free of Violence



By Hanan Kamar

Although the violence that is perpetrated by family members is one of the most pervasive and widespread forms of violence in the world, it is rarely reported. Family violence usually happens behind closed doors and with minimum evidence, which makes it difficult for survivors to prove. It has many forms, including physical, sexual, psychological, and economic, and is usually committed by a family member who has social or economic power over others in the family. Family violence causes enormous pain and suffering to the survivors of violence, as it damages the trust and respect among members of the family, which results in emotional pain to both parties involved, particularly the survivors.

The silence over family violence is usually reinforced by a non-supportive legal system that fails to criminalize family violence. In many countries, as in Palestine, the applicable penal laws do not criminalize the majority of cases of family violence, which stems from a traditional belief that family issues have to be managed within the boundaries of the family. Indeed, by excluding most forms of family violence from punishment, the legislators send a message to the community that the state is not necessarily responsible for the protection of people from violence within their private sphere.

Recently, however, as a result of the strong advocacy of civil society organizations and women's movements from various parts of the world, many countries, including some Arab countries, have begun to adopt specific legislations to respond to the peculiarities and sensitivities associated with family violence. Adopting these legislations represents a shift in the criminal policy of these countries

at two main levels. First, it indicates a shift in the dynamics of the relation between the state and individuals, where the state holds itself responsible for protecting its people from violence regardless of where it occurs, which contradicts the state's previous position towards family violence that perceived "violence within the home" as a private matter in which the state does not interfere. Secondly, it denotes a change in the criminal policy of countries that adopt these legislations, moving from a perception of survivors as passive and invisible, and of perpetrators as cruel people who deserve to be punished to a survivor-centered and human-rights-based approach. It aims at supporting survivors of violence with empowering tools, such as psychosocial counseling, legal assistance, and improved access to justice, while addressing the root causes of such violence in order to prevent it from happening again.

With this global trend in mind, the fact that the State of Palestine has submitted its initial report on its implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to the CEDAW Committee in July 2018, and has received the concluding observations from this committee, represents a step closer towards the adoption of legislation that is aligned with international human rights standards and principles. Since 2004, Palestinian civil society has vigorously initiated the work on the development of specific legislation on family violence, called Family Protection Bill (FPB), and has pushed strongly towards its adoption. Subsequently, three main ministries – the Ministry of Women's Affairs, the Ministry of Social Development, and

An untitled artwork by Nabil Anani, 2004.  
Mixed media on canvas, 100 x 100 cm.  
Photo courtesy of the artist.

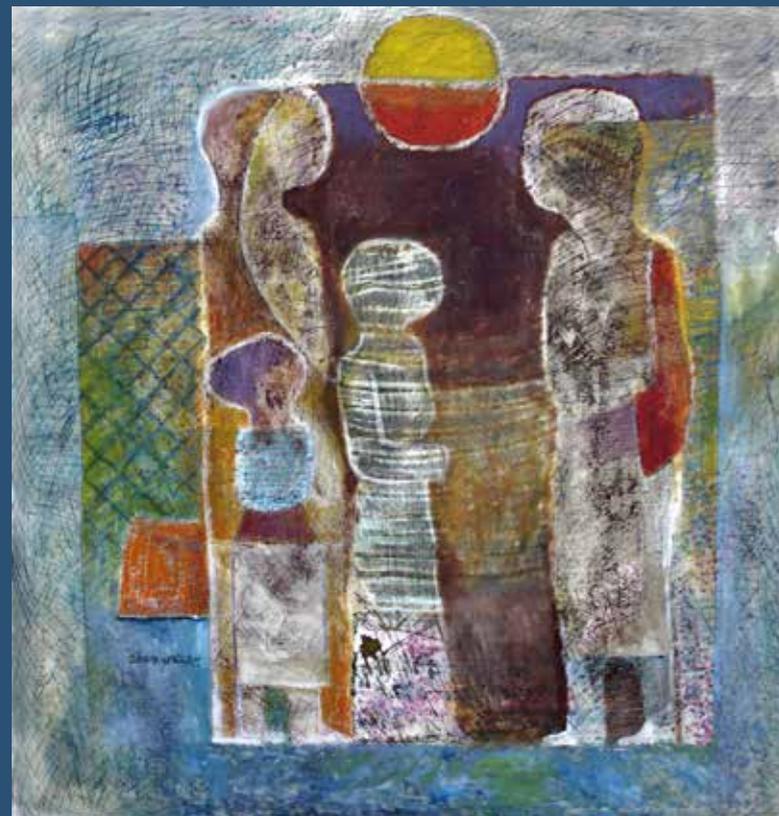




Photo courtesy of UN WOMEN / Samar Abu Al-Ouf.

the Ministry of Justice – joined the national efforts in developing the bill, which has been recently reviewed by various committees, and is currently undergoing a final revision by the national CEDAW committee.

For the Palestinian FPB to be in accordance with international standards and principles, it must be built around four main pillars: prevention, protection, prosecution, and accountability, while including reparation and reintegration as important elements. Prevention is a main factor in combatting violence against women (VAW), including family violence, yet it has been widely neglected; and so far, most efforts have been alternatively directed towards the protection of survivors or the prosecution of perpetrators. Many international instruments related to gender equality and women's rights, such as the Beijing Declaration and Platform for Action<sup>i</sup> and the Report of the Special Rapporteur on Violence Against Women<sup>ii</sup> have highlighted the importance of prevention and classified it as one of the most effective and sustainable tools to combat violence against women. Prevention can be achieved through utilizing a variety of tools, including gender-sensitive school curricula and media outlets that cover VAW issues, as well as advocacy campaigns that involve both men and women. In Palestine, some efforts have already been directed towards this end, such as the adoption

of an extracurricular module on gender and civic education in some UNRWA schools in Gaza, the organization of gender-awareness campaigns.

Protecting survivors of violence from the recurrence of violence is another critical component of the FPB, as it aims to provide immediate response and protection to the survivors in order to prevent further harm or any threat of harm. Ensuring due protection to the survivors of violence requires responsive tools within the FPB, such as protection orders, 24/7 helplines at police stations, shelters, and multi-sectoral services that include medical and forensic examination, legal assistance, and psychosocial support, among others. In Palestine, the establishment of gender-responsive policing and prosecutorial and judiciary services, in addition to the establishment of the One-Stop Center in Ramallah that provides multi-sectoral services to women and children survivors of violence, provides a strong foundation on which the Palestinian government can build its future related interventions, in order to realize and establish comprehensive gender-responsive protection services.

The prosecution of VAW cases, including family violence, requires gender-responsive legal clauses and specialized prosecutorial and judiciary services. This is to hold the perpetrators accountable for their acts and provide quality and responsive

services to the survivors of violence. With the current efforts to adopt a responsive FPB, prosecutors as well as judges and lawyers will be able to provide responsive prosecution, court representation, and adjudication services to survivors of violence.

Compensation and reintegration, the fourth component of the FPB, revolves around compensating and empowering survivors of violence. This aspect forms an inseparable part of any national response to violence, as it ensures that survivors of violence are offered compensation as well as services for reintegration and rehabilitation, and that perpetrators are provided with rehabilitation services to prevent any recurrence of violence. In Palestine, limited efforts have been directed towards this component so far. To provide responsive compensation, reintegration, and rehabilitation services, the State of Palestine has to adopt a comprehensive strategic approach that builds on the collective efforts of stakeholders and the strong coordination between them, notably between the judiciary, the Ministry of Social Development, the Ministry of Women's Affairs, the Ministry of Finance, the Ministry of Health, and others.

The work on the FPB shall culminate in its endorsement, which will constitute a critical milestone for the State of Palestine and show due diligence in dealing with VAW, including family violence. The real success, however, will come only with a proper implementation and translation of the commitments embedded within the bill through responsive policies, services, and practices. Proper implementation requires responsive tools to deal with family violence, including data collection and monitoring mechanisms as well as adequate funding and human resources.

**The State of Palestine is in the final stage of the review of the Family Protection Bill, which is expected to be submitted to the president for endorsement within the next few months. The FPB is believed to provide responsive measures to prevent and combat violence, as well as to provide due protection, reparation, and empowerment to survivors and victims of violence. At the same time, it will hold perpetrators accountable for their acts.**

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<sup>i</sup> For more information on the Beijing Platform for Action, please visit <http://www.un.org/womenwatch/daw/beijing/platform/>.

<sup>ii</sup> For more information on the reports of the UN Special Rapporteur on violence against women, please visit <https://www.ohchr.org/en/issues/women/srwomen/pages/srwomenindex.aspx>.