

# Domestic Violence Legislation and Reform Efforts in Qatar

Recently a group of law students at Qatar University proposed a law that would criminalize domestic violence. The proposed legislation was the end result of a legal clinic on domestic violence. Students developed an interest in the issue as a result of a course they took on family law that was offered by a visiting scholar. The students started organizing workshops on the weekends to collect additional information on issues dealing with women. As a result of this interest, the Law School agreed to offer a class specifically on



domestic violence. Soon students wanted some forum to apply the theoretical work that they had covered in class. The end result was a year-long clinic on domestic violence. During this clinic, students looked at domestic violence legislation in other Arab and Muslim states, as well as met with different practitioners, including social workers, psychologists, judges and lawyers. During the clinic, the wife of the Emir of Qatar, Sheikha Moza, made a point of stopping by the class during a campus visit. Her visit gave tremendous support to the students involved in these efforts and more importantly showed that at least one powerful person supported the students' initiative. The final result of this effort was a formal draft of proposed legislation that

students will submit to the Supreme Council on the Family, to be used as a guide in adopting a new law criminalizing domestic violence in Qatar. If ratified, this law would be a first for Qatar, and first for the Gulf states.

The World Health Organization (WHO) has argued that, "one of the most common forms of violence against women is that performed by a husband or male partner. This type of violence is frequently invisible since it happens behind closed doors, and effectively, when legal systems and cultural norms do not treat domestic violence as a crime, but rather as a 'private' family matter, or a normal part of life." Gender-based violence was defined in 1993 by the UN Declaration on the Elimination of Violence against Women as "[a]ny 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 deprivations of liberty, whether occurring in public or in private life."

Demands for a law on domestic violence in the Arab region are increasing with the escalation in the number of domestic violence victims. These demands were long postponed due to the sensitivity of this issue within the region.

Arab states share a number of cultural and social beliefs that influence the manner in which society members conduct their affairs with each other. The authority and superiority that is often both assumed by men, and granted them in most Arab societies is an example of such beliefs. Customs and traditions play a strong role in shaping people's views of what is considered wrong or right; so when it comes to domestic violence, the already established social roles and character affect the public's understanding

## Lina M. Kassem

Lina M. Kassem is an Assistant Professor in the Department of International Affairs at Qatar University. Her primary research interests are Gender and Law, Human Rights, and Middle East Politics with a special focus on issues of sub-national identities. She has recently published a chapter on nationalism in *Introducing Global Issues* and has taught at Zayed University in the UAE, and Wilmington College in the U.S.

## Fatema M. Ali

Fatema Mohamed Ali graduated from Qatar University in 2010. She is currently a graduate student at The Faculty of Islamic Studies, Qatar Foundation and a teaching assistant at Qatar University.

## Tamadher S. Al-Malek

Tamadher Salman Almalek has a Bachelors degree in International Affairs from Qatar University and a Master's degree in Human Rights from Columbia University. She is currently working as a lecturer in the Department of International Affairs at Qatar University.

and interpretation of what is considered to be domestic violence.

**Placing the law under the jurisdiction of a criminal court will not only criminalize the act, but will also go a long way in changing societal conceptions that this is in fact a crime and should be dealt with as a crime.**

Given these barriers, thus far only two states in the Middle East have adopted laws against domestic violence. In Jordan, the Law on Protection from Domestic Violence was approved by the parliament in 2008. Provisions of the law assign special departments in different ministries to deal with cases of domestic violence, including the Ministries of Health, Education, Justice and Social Development. It describes the basic measures to be taken to protect family members from domestic violence. The law obliges citizens and service providers to report both witnessed, and suspected abuse cases. Furthermore, it assigns the Ministry of Social Affairs to be the responsible governmental entity to provide shelter services for victims of domestic violence.<sup>1</sup> A few problems still exist with this law, including the fact it still does not criminalize domestic violence.

Tunisian women on the other hand, enjoy a fair amount of protection against domestic violence under the new law. In cases involving acts of violence, the Tunisian Penal Code increases the punishment by one year of imprisonment and 1,000 Tunisian Dinars, if the attacker is a spouse or relative of the victim.<sup>2</sup> Moreover, female victims of domestic violence have the right to file for divorce; she also has a right to a place of residence, financial support, custody and a financial compensation for any emotional or material damages.<sup>3</sup> Furthermore, Tunisian law criminalizes marital rape, and is punishable by death.

As in other parts of the world, gender-based violence occurs in Qatar, and, as in other parts of the world, violence against women is justified on the basis of religion, culture, social expectations or through blaming the victim. A recent study that was conducted on the issue over the past four decades found that in Europe, 45% of women had experienced some form of gender-based violence. As elsewhere in the world, the actual numbers of cases of domestic violence is very difficult to obtain. Even though organizations such as the Qatar Foundation for Child and Women Protection (QFCWP) report the number of cases that they receive each year, not surprisingly there are still cases of unreported domestic violence. Of course this is not unique to Qatar. Women worldwide have been reluctant to report cases of abuse for different reasons. As a result, the data available for Qatar is unreliable. Having said that, we can still ascertain certain issues and trends by looking at the reported cases that are available.

#### **The Qatar Foundation for Child and Women Protection**

QFCWP, was founded in 2002 by Sheikha Moza in her capacity as the President of the Supreme Council for Family Affairs. QFCWP was set up not only to help address issues resulting from gender based violence, it also has a mandate to provide psychological, legal, and financial support to victims of gender based violence. QFCWP documented 521 cases of domestic violence against women by the end of September 2012. This represents a significant increase in the numbers of annual reported cases since the organization first released information in 2004, when only 25 cases were reported. This increase could be due to several factors, including the efforts of organizations such as QFCWP, increased awareness, and increased higher educational attainment of women in Qatar. This is why continuous research about the attitudes of people towards issues related to gender-based violence is essential in any society. The increased number of researchers, and significantly the ones commissioned by state agencies to study these

issues, reflect an important effort by the state to not only highlight these cases and convince society to acknowledge these important issues, but also reflects a determination by the state to finally criminalize gender based violence. It is especially encouraging that government agencies and government-sponsored NGOs (GONGOS) have been alarmed by the rise in the rate of domestic violence, and have showed a determination to try to deal with the issue. Although such issues would fall under the domain of civil society, for the most part these GONGOS have taken the lead on such issues. Public awareness campaigns by these GONGOS have been instrumental in raising awareness among the public. Indeed, these measures are important preliminary steps before the introduction of a law criminalizing domestic violence: Changing the mindset of people is essential for any legislation to work.

The limited body of literature on the phenomenon of domestic violence in Qatar

**Whenever government security bodies, such as the police, are called for a case involving domestic violence, they often urge the female victim not to file an official complaint.**

is attributed to different factors. Mainly, these factors contribute to the unreliability of any available representative data. One of the most important factors is the refusal, or the reluctance of women to file an official complaint or a police report. There are obvious social as well as family considerations, if not pressure, brought to bear on women to not come forward and report an issue that is seen by both society, as well as the police, as a private issue that could cause a scandal in this traditional Arab society. Even in situations when the battered woman has gathered enough courage to call the police, she is often confronted with a policeman who will insist that she reconsider filing an official

complaint out of concern that her name would appear in an official document, which may also cause scandal. The women in these cases are often cajoled into settling for a signed pledge from her abuser that he will no longer beat her.

Another important factor that contributes to domestic violence going unreported is the lack of awareness among women about their rights. Some women take the abuse and remain silent because either they are not educated about their rights and actual obligations at home or lack the sufficient knowledge about their legal rights in courts. Moreover, some women accept violence and believe that it is inappropriate to stand against the husband, or any family member, in a court. This reluctance reflects a cultural norm that obliges women to obey and respect their male relatives.

### Religious Considerations

A final factor contributing to domestic violence is the overlap between culture and Islamic understanding, along with a misunderstanding, of Islamic law. Patriarchal interpretations of the Quran constitute the mainstream school followed by many Muslims around the world. This understanding also encourages men to commit violence, as they believe that Islam guarantees this right and provides them with immunity.

Most of the Islamic justification rests on only one *ayah* of the Quran. Verse 4:34 of the Quran has even been used by some religious scholars to justify wife beating. The verse states that:

*“Men are the qawwam and maintainers of women, because Allah has given the one more strength than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in the husband’s absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them first; next, refuse to share their beds; and last beat them lightly; but if they return to obedience, seek not against*

*them Means of annoyance: For Allah is Most High, great above you all.”<sup>4</sup>*

The meaning of the terms in Arabic has been an issue of major debate. For example the meaning of *qawwam* has been interpreted in a various ways, from superior, to financially obligated to provide for poorer women. This could also have consequence on the entire meaning of the verse. The scholar Nawal H. Ammar identifies at least four different interpretations of this verse. The interpretations range from one who “sees wife beating as permissible if a wife does not obey her husband” to one who “understands Islam as permitting wife beating but with conditions of consideration for her safety.” Yet others interpret the verse by, “acknowledging exceptions when wife beating is allowed because it is generally unacceptable.” Ammar also argues that there are those Muslim scholars who claim that Verse 4:34 “has been misunderstood and does not even refer to beating when using the Arabic word *idribuhunna*.” There have been several recent attempts at deconstructing the Arabic term *idribuhunna*, which comes from the root (d-r-b) which has various meanings including to beat, or to forsake or to leave.

This verse has served as the main source of religious justification for spousal abuse. Having said that, most prominent scholars agree that any physical punishment of a wife should be symbolic and not meant to cause any physical harm or pain.

In Qatari society, as in many other Muslim societies, this verse remains one of the most important justifications for gender-based violence. The intentional misinterpretation of the Verse has allowed the extent of violence not only to be more prevalent than any other time in the history of the region, but it appears to be becoming more socially acceptable as well. In a 2007 groundbreaking study sponsored by the Supreme Council on the Family, Dr. Kaltham al-Ghanim conducted a study in which she discovered 23 percent of the respondents were subjected to some form of violence. In the same study she recorded that the rate among the married respondents was higher at

24 percent. Of those subjected to violence, 64 percent stated that the violence took the form of beatings, and 1.2 percent indicated that they experienced sexual violence in the form of rape. Dr. Ghanim’s study also discusses the difficulties in reporting cases of violence. She argues that, “in a culture such as that of Qatar, where women are expected to uphold the family’s honor, it is unacceptable to reveal anything that might bring shame and dishonor on the family or the tribe. Since governmental security bodies are part of this cultural context, their performance is restricted by the social attitudes, rendering their statistics inaccurate and their enforcement of laws against violence ineffective.” In addition, whenever governmental security bodies, such as the police, are called for a case involving domestic violence, they often urge the female victim not to file an official complaint, and just settle for a written promise from the perpetrator that he will never use violence again. This approach is taken, the female victim is told, to help her and her family avoid any possible scandal. The pressure on the female victim to keep quiet is understandably more intense if the perpetrator is from the same family, such as a brother, or in a situation of wife battery, if the woman is married to a cousin.

More recently, in 2010, the Social and

**There are obvious social as well as family considerations, if not pressure, brought to bear on women to not come forward and report an issue that is seen by both society, as well as the police, as a private issue that could cause a scandal.**

Economic Survey Research Institute (SESRI) at Qatar University conducted a face to face interview with 689 Qatari nationals, and asked the following question: “It is normal for husbands and wives to have differences and

argue sometimes. Sometimes, husbands may reprimand their wives, and some husbands may beat their wives. In your opinion, is it justifiable for a husband to be hitting or beating his wives (under the following conditions)?” The respondents were then presented with six different situations including: “a) If the wife goes out to market without telling him; b) if the wife visits friends without telling him; c) if the wife visits relatives without telling him, d) if the wife neglects children; e) if she shows disrespect towards her husband; and f) if she shows disrespect for parents-in-law.” The survey results showed that there is still a significant segment of the population that justifies wife beating. Almost 33 percent of male respondents along with 24.2 percent of female respondents justified wife beating for at least one of the reasons mentioned in the survey. These kind of results were also comparable to the results found in Dr. Ghanem’s 2008 report which showed that 13.5 percent of the sample subjects totaling 1,117 persons accepted violence against women, believing in the superior authority of men.

### Moving Forward?

Recent legal reforms by the state of Qatar have highlighted the state’s desire to reduce the rates of domestic violence in the country. Spearheaded by Sheikha Moza, the Supreme Council for Family Affairs was formally established in 1998 to deal with issues that could jeopardize the safety and security of the family, chiefly among them issues dealing with domestic violence. Through the Supreme Council for Family Affairs, a legal reform agenda was pushed over the last decade and a half that has led to some change in the political atmosphere of Qatar.

Most significantly, however, in 2006 the government passed the Qatari Family Law that represents an important advance in the rights of women in Qatar when it comes to issues of marriage, divorce, maintenance, custody and inheritance. Indeed, before 2006, when deciding on cases related to these issues, judges had full discretion to interpret Islamic Sharia according to their own personal interpretation. The result

was decisions that were inconsistent and more frequently prejudicial to women. In the process of codifying family law, all the rights and rules related to it were decided and standardized based on a consensus of scholars and judges, in accordance with Sharia. Although this of course did not solve many outstanding issues related to women’s rights under Sharia, women and their children were no longer as vulnerable to the many different Sharia interpretations of individual judges.<sup>5</sup>

Additionally, the Supreme Council for the Family has been instrumental in supporting some of the research done on the topic, including the research conducted by Dr. Ghanem. Another important step has been the inclusion of the need to deal with the increasing rate of domestic violence in the 2011-2016 Qatar National Strategy. This is Qatar’s first strategic plan or action plan to achieve the goals set out by the Emir’s 2030 vision. The strategy proposes the adoption of legislation that criminalizes domestic violence. According to the action plan “The government will reduce domestic violence by establishing a comprehensive protection system that ensures privacy, protection and support for victims as well as anyone reporting violent incidents, establish help centres, streamline data collection methods and, most important, criminalize domestic violence.”<sup>6</sup>

In the struggle against domestic violence, it is important to establish the exact jurisdiction under the law. If it is relegated to family law courts it will be more difficult to criminalize them. Applying the law will also be left up to the personal interpretation of the family court judge, and his interpretations of Verse 4:34. Placing the law under the jurisdiction of criminal court will not only criminalize the act, but will also go a long way in changing societal conceptions that this is in fact a crime and should be dealt with as a crime. For any legal reform to work, it is vital that these cases are criminalized and are placed under the jurisdiction of civil criminal courts and not Sharia courts. This change would also go a long way in dealing with the issue of underreporting, since once the act is

criminalized it is more likely that a female victim will come forth, and even more likely that her family will be supportive of that decision.

---

### Endnotes

<sup>1</sup> *Violence against Women Assessing the Situation in Jordan*: UN, 2009. Accessible via [http://www.un.org/womenwatch/ianwge/taskforces/vaw/VAW\\_Jordan\\_baseline\\_assessment\\_final.pdf](http://www.un.org/womenwatch/ianwge/taskforces/vaw/VAW_Jordan_baseline_assessment_final.pdf)

<sup>2</sup> "If the attacker is a relative or spouse of the victim, the punishment shall be a term of imprisonment of two years and a fine of 2,000 dinars." Tunisian Penal Code, Article 218.

<sup>3</sup> The Personal Status Code, Article 31.

<sup>4</sup> Abdullah Yusuf Ali, *The Holy Quran: Translation and Commentary*, (Lahore: 1937, Saudi Revision).

<sup>5</sup> To date, Saudi Arabia, which also follows the Hanbali school of Islamic law like Qatar, has not codified family status issues unlike all other GCC states.

<sup>6</sup> Qatar National Strategy 2011-2016 published by The Qatar General Secretariat for Development Planning, March 2011.