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**Combating domestic violence: protection orders
and shelters in the Arab region****Summary**

The present document reviews legislation on the provision of protection orders and access to shelters for survivors of domestic violence in the Arab region through the lens of international frameworks and good practice. It calls upon Arab States to implement or make greater use of civil protection orders, in addition to ex parte (emergency) orders and criminal protection orders, arguing that such orders provide a necessary level of empowerment and protection to survivors of domestic violence. The document also calls upon Arab States to increase the scope of shelters for survivors of violence, while ensuring that empowering holistic services are provided. It then concludes with recommendations that advocate for a comprehensive approach to addressing violence against women, considering that both criminal and civil protection orders, as well as shelters, are mechanisms that must be part of a larger scheme of services that empower and protect the survivor while appropriately penalizing the perpetrator.

The Committee on Women is invited to discuss the contents of the present document and advise on the means to better combat and respond to domestic violence in the Arab region.

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Introduction

1. It is estimated that 37 per cent of women in the Arab region have experienced some form of physical and/or sexual violence by their partner or spouse.¹ However, most Arab States do not systematically gather thorough and timely data. The few States with surveys tend to only look at prevalence and/or attitudes.
2. As of mid-2019, six Arab States, namely Bahrain, Jordan, Lebanon, Morocco, Saudi Arabia and Tunisia, have issued stand-alone violence against women (VAW) laws, with other States having draft legislation underway. Such legislation outlines the definition of violence as well as the social, legal and/or medical interventions to be taken by the State and civil society to address violence. Most Arab States, via their legislation, maintain a narrow definition of VAW, primarily focused on selected types of domestic violence or family violence, when a broader definition of violence would allow for all-inclusive legislation and a more comprehensive approach. Equally important is ensuring that such laws fully focus on women and girls as opposed to being gender-neutral because globally, most survivors are female and regionally, most legislation discriminates against women and girls.
3. The present document, extracted from two publications by the Economic and Social Commission for Western Asia (ESCWA),² reviews legislation on the provision of protection orders and access to shelter for survivors of domestic violence in the international context and in the Arab region, through the lens of international frameworks and good practice. It highlights increasing efforts by Arab States and civil society to adopt a comprehensive approach to combat VAW, which include the provision of protection orders and shelters for survivors of domestic violence.

I. PROTECTION ORDERS AND SHELTER IN THE INTERNATIONAL CONTEXT

4. The Special Rapporteur on violence against women, its causes and consequences, has argued that the availability of shelters and protection orders is required under international human rights law, including the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) and the [Declaration on the Elimination of Violence against Women](#).³ States' obligation to address VAW in a comprehensive manner is guided by international human rights law and normative frameworks under the larger rubric of the due diligence standard. The due diligence standard obligates the State to address VAW not only in the public and private spheres, but also crimes perpetrated by State and non-State actors. The due diligence standard is comprised of the "5 Ps": prevention, protection, prosecution, punishment and the provision of redress.
5. The due diligence standard has been translated into normative frameworks through [CEDAW](#) and several of the related general recommendations, the [Vienna Declaration and Programme of Action](#), the [Declaration on the Elimination of Violence against Women](#), and the work of the Special Rapporteur on violence against women, its causes and consequences.
6. The United Nations [Handbook for Legislation on Violence against Women](#) serves as the primary framework for drafting legislation that is human rights based and survivor centered, and is widely used among States to guide interventions on combating VAW at national levels. The Handbook emphasizes that comprehensive and integrated services should be reflected in national legislation and implemented through a robust criminal justice system. It calls on States to secure funding for such services and ensure that these are provided to a high standard. Such services often include health services (care for injuries, mental health, and

¹ World Health Organization (WHO), "Violence against women; key facts", 29 November 2017.

² ESCWA, *Shelters for Survivors of Violence: Availability and Accessibility in the Arab Region* (forthcoming); and *Beyond Boundaries: Utilizing Protection Orders to Cultivate a Holistic Response to Domestic Violence in the Arab Region* (E/ESCWA/ECW/2019/1).

³ [A/HRC/35/30](#), paras. 20-22.

sexual assault examination and care), legal services and social services (including legal counselling, helplines, psychosocial counselling, and children's services and shelters), which are all essential to support survivors.⁴

7. Globally, laws on VAW identify and commit to services for survivors, which are part of a comprehensive approach that outlines the responsibility of the State. Comprehensive services are defined as the assistance provided for survivors of violence and their children to address their social, health, legal and economic needs. According to international standards, services for survivors must take into consideration the following principles: (a) availability of the service: to what extent are all types of services available in a given country; (b) accessibility to the service: how financially and geographically accessible are all services to abused women; (c) acceptability of the service: particularly with regard to respecting the privacy of the survivor of violence; and (d) quality of services: ensuring a high quality of all services provided and the provision of capacity development to staff working in this area.⁵

8. Protection orders and the provision of shelter, which can be used in combination, are key services/options for survivors. Protection orders are an important legal measure that can provide significant protection to survivors. Not all women need or want to go to a shelter, and with shortages of shelter places in almost every country, the availability of protection orders to enable the removal of the perpetrator from the shared home and its vicinity can provide an alternative form of protection. However, some women will never be safe in their own home because of the level of threat they face from their current or former partner and their only recourse is to seek safety at a shelter.

A. PROTECTION ORDERS

9. The civil response to domestic violence relies on the provision of protection orders, in contrast with more widespread policies such as mandatory arrest, mandatory prosecution, and mandatory reporting at hospitals and clinics. Civil protection orders originated in the United States of America in 1976, and were intended "to provide an easily accessible, freestanding civil cause of action for a victim to obtain immediate, temporary, injunctive relief from physical violence".⁶

10. According to the Special Rapporteur on violence against women, its causes and consequences, a protection order is "a 'go' order which requires a perpetrator of domestic violence to leave a shared home and to keep at a certain distance from the victim (barring orders). Protection orders can impose a range of restraints on the person subject to the order. For example, they require a perpetrator to vacate the residence of the victim or to stay away from the shared home, from specific places (e.g., the victim's workplace or her children's school) or to refrain from contacting the victim or person at risk. Some jurisdictions permit additional orders to require, for example, a perpetrator to pay rent for the family home or child support, or to surrender weapons in his possession... [Protection orders] may be ordered independently by a civil court or they may be part of civil or criminal legal proceedings protecting the safety of the victim while other proceedings go forward".⁷

11. There are three main types of protection orders: ex parte orders; criminal protection orders; and civil protection orders. Ex parte orders, also known as emergency orders, are usually short-term protection orders (typically a few days) issued by a judge or the police without notice to the perpetrator when the survivor and her children are in immediate danger.

⁴ United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and others, *Essential Services Package for Women and Girls Subject to Violence* (New York, 2015).

⁵ See General Comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), contained in document [E/C.12/2000/4](#).

⁶ Jeffrey R. Baker, "Enjoining coercion: squaring civil protection orders with the reality of domestic abuse", *Journal of Law and Family Studies*, vol. 11, No. 35 (Fall 2008), pp. 35-65.

⁷ [A/HRC/35/30](#), paras. 61 and 62.

12. Criminal protection orders may be issued during a criminal proceeding or as a condition of pretrial release when there has been an arrest involving domestic violence. The order, its conditions and validity are at the discretion of the judge and may include stipulations related to contact, visitation or mandated counseling. The party to a criminal protection order is the State rather than the survivor, which may make the order more restrictive.

13. Civil protection orders – while issued by a judicial body – are initiated by survivors rather than judges. The ability to act on one’s own terms and seek redress without directly engaging with the criminal justice system is an attractive option for survivors. For example, survivors may wish to be away from the perpetrator, but they do not want legal actions against him. Civil protection orders are more accessible because the burden of proof is usually lower, which means that the orders can protect against abuse that may not be labeled as ‘criminal’ within the criminal justice system. However, in some jurisdictions, the violation of a civil protection order can result in criminal consequences. Lastly, civil protection orders commonly do not require legal representation or involve costly fees. In some jurisdictions, a survivor may be able to concurrently have a civil protection order with a criminal proceeding.

14. Civil protection orders came to be viewed as a way for survivors to engage with a portion of the criminal justice system while still maintaining some control over the response, an important feature not considered in mandatory policies. The first study into the efficacy of civil protection orders, which was conducted in the United States in the 1980s,⁸ found that they were effective for some types of abuse, but less so for physical violence. Importantly, many survivors believed that the orders were effective. Legal reform over the years has refined the civil protection order and its ability to protect. Recent surveys of research on civil protection orders conclude that they are the legal remedy most often chosen by survivors because they typically increase a survivors' safety and enhance their autonomy.⁹ Additionally, studies have confirmed that civil protection orders at least deter perpetrators from committing future acts of violence against the survivor and other family members, though intersectional issues such as class, ethnicity and disability may impact the degree to which the violence is perpetrated.¹⁰ Another important feature has been the impact on survivors. While turning to the criminal justice system can be a difficult decision, research reveals that those who obtained a civil protection order and were supported in obtaining other support services commonly felt a greater sense of well-being and safety.¹¹

15. The impact and effectiveness of civil and criminal protection orders depend on their comprehensiveness, including the specifics of the order and how well it is enforced. It is also reliant on the State’s investment that such mechanisms are part of a larger coordinated response to violence where social, medical and legal services aim to protect, support and empower the survivor, while holding the perpetrator to account.

B. SHELTERS

16. The provision of shelter services is the result of decades of women’s activism that was initiated and organized by grassroots and women’s organizations working with women survivors of violence. The first

⁸ Janice Grau, Jeffrey Fagan and Sandra Wexler, “Restraining orders for battered women: issues of access and efficacy”, *Women & Politics*, vol. 4, No. 3 (1984), pp. 13-28.

⁹ Jane K. Stoeber, “Freedom from violence: using the stages of change model to realize the promise of civil protection orders”, *Ohio State Law Journal*, vol. 72, No. 2 (2011), pp. 318-322.

¹⁰ Carolyn N. Ko, “Civil restraining orders for domestic violence: the unresolved question of ‘efficacy’”, *Southern California Interdisciplinary Law Journal*, vol. 11 (2002); Sean D. Thueson, “Civil domestic violence protection orders in Wyoming: do they protect victims of domestic violence”, *Wyoming Law Review*, vol. 4, No. 1 (2004); Judith McFarlane and others, “Protection orders and intimate partner violence: an 18-month study of 150 Black, Hispanic, and white women”, *American Journal of Public Health*, vol. 94, No. 4 (2004); Sally F. Goldfarb, “Reconceiving civil protection orders for domestic violence: can law help end the abuse without ending the relationship?”, *Cardozo Law Review*, vol. 29, No. 4 (2008).

¹¹ Susan L. Keitlitz, Paula L. Hannaford and Hillery S. Efkeman, *Civil Protection Orders: the Benefits and Limitations for Victims of Domestic Violence* (Williamsburg, VA, National Center for State Courts, 1997).

shelters for women fleeing abuse were established in England in the early 1970s. Since then, the provision of shelter services has increased globally, as has research and discussions on the central role of shelters in providing women survivors of violence with safe transitional accommodation. Prior to shelters, many women activists provided shelter for survivors who sought legal counselling in their homes and in the offices of non-governmental organizations (NGOs).

17. Crisis accommodation for women and their children escaping domestic violence can vary significantly between and sometimes even within countries, due to political, social, economic and cultural factors, the type of provider, the funder, the resources available and prevailing attitudes to VAW. A shelter is expected to provide a temporary residential solution to women fleeing violence. It responds to their immediate needs and those of their children for safety and protection from imminent and life-threatening danger. Shelters' responsiveness to women's immediate need for safety and refuge have gradually developed to address other needs, such as emotional support, health care, vocational training, employment opportunities, as well as individual and group counselling.

18. The availability of shelters providing crisis accommodation can assist the police and other State agencies by enabling them to refer women and their children to a place of safety. In turn, shelter staff can help women who have self-referred gain the confidence to report to the police the violence they have experienced and support them if they are witnesses in any subsequent prosecution. The World Health Organization has identified VAW as a major health problem. Women experiencing violence and abuse have increased contact with health professionals. This contact can be facilitated through support from a specialist shelter.¹² Equally, shelter staff can help women to access the right physical and mental health support to improve their well-being and recovery, and assist health professionals to understand the complexities of domestic violence.

19. Women's shelters have been set up based on several fundamental principles that speak to their purpose, the way they work with survivors and their local community and the values of this type of service provision.¹³ Key principles include the following: (a) the approach is based on an understanding of the gendered nature of VAW; (b) shelters are open and accessible to all women; (c) women's safety, security and confidentiality are paramount; (d) shelters support women's empowerment and self-determination; and (e) they promote women's health and well-being. Meeting these principles is fundamental to establishing effective, good quality shelter services. NGOs are well placed to run shelter services, with State support, because they meet these principles with their focus on empowerment and long-term, holistic support.¹⁴

20. A significant majority of shelters also provide non-residential outreach services to women in their local community and some also run a helpline or hotline. Helplines are often the first point of contact for survivors of violence and provide advice and information on what support is available and how women can access it. National helplines should be available free of charge 24 hours a day, seven days a week to ensure that women experiencing violence can access support regardless of where they live. In some countries these are supplemented by local or regional helplines run by NGOs that also run shelters.

21. It is important to distinguish the difference between a specialized service specifically set up to support and protect women experiencing violence and other general services that provide other types of support, such as addressing mental health or homelessness, or assisting victims of crime. Such general support may include the provision of crisis accommodation, including homeless shelters, mother and child homes or family shelters. However, these shelters are not gender specific, staff do not have the required expertise and they are not set up to meet the specific needs of women escaping violence, and of their children. While such accommodation may be used to temporarily fill gaps in women's shelter, they are not a substitution for them and can result in women

¹² WHO, "[Violence against women: key facts](#)" (see footnote 1).

¹³ Liz Kelly and Lorna Dubois, *Combating Violence against Women: Minimum Standards for Support Services* (Strasbourg, Council of Europe, 2008).

¹⁴ [A/61/122/Add.1](#), para. 327.

remaining as vulnerable when they leave the shelter as they were when they arrived. In some cases, these types of general shelters make women more vulnerable to sexual abuse and violence, for example if women are housed in a shelter for the homeless that accommodates men as well as women.¹⁵

22. In some countries service provision is based on a gender neutral “whole family” approach with services, including shelters, provided for men and women together. A gender-neutral approach results in a failure to address the root causes of VAW and the discriminatory nature of domestic violence.

II. PROTECTION ORDERS AND SHELTERS IN THE ARAB REGION

23. This section presents some of the findings of the two studies published by ESCWA on the provision of protection orders and shelter services in the Arab region,¹⁶ which included a desk review of legislation and information received from States in the region through a questionnaire circulated in early 2018.

A. PROTECTION ORDERS

24. Based on a review and analysis of VAW legislation in Arab States, protection order legislation in the Arab region primarily focuses on violence within the context of a marital relationship or the family. The definitions of violence provided in States’ domestic violence legislation acknowledge some types of physical, psychological, economic and sexual violence.

25. No Arab State currently provides civil protection orders for non-marital or non-family violence, i.e. for violence perpetrated in the public space or at work. While the provision of protection orders for domestic violence is an excellent first step, a significant portion of women in the population is left vulnerable to violence and is denied the opportunity to access justice, something that must be addressed as legislation evolves and as States aspire to meet their international human rights obligations.

26. At a minimum, protection order legislation in Arab States: (a) bars the perpetrator from contacting or harming the survivor, their children and/or other family members either directly or indirectly; (b) requires the perpetrator to remain at a specified distance from the survivor and her children; (c) bars the perpetrator from damaging the survivor’s personal property or property held in common; (d) bars the perpetrator from accessing jointly held assets; (e) allows the survivor to access the family dwelling or to seek refuge elsewhere, if needed; (f) compels the perpetrator to leave the family home for a fixed period; and (g) compels the perpetrator to provide financial assistance for support and costs incurred from violence, including medical treatment and shelter.

27. Of the VAW legislation reviewed, all allow for someone other than the survivor to apply for a protection order. This may include: (a) public or private service providers; (b) a court or a family court judge; (c) the police; (d) the judicial police; (e) an investigating magistrate; (f) an urgent matters judge; (g) a public prosecutor; (h) health-care professionals; and (i) a child protection specialist. In some instances, family members may apply on behalf of the survivor.

28. Additionally, of the six States reviewed, five outline the provision of ex parte or emergency orders. The Public Prosecutor in Bahrain can issue a protection order unilaterally or at a survivor’s request. Jordan provides emergency orders, which activate a response by the Ministry of Social Development to ensure that survivors receive access to medical care and shelter. In Saudi Arabia, State authorities are called upon to issue an emergency order if there is an allegation of immediate danger. In Tunisia, a judge can issue a protection order

¹⁵ Lisa Goodman, Katya Fels and Catherine Glenn, “No safe place: sexual assault in the lives of homeless women”, Report for the Applied Research Forum – National Online Resource Center on Violence against Women (September 2006). Available at https://vawnet.org/sites/default/files/materials/files/2016-09/AR_SAHomelessness.pdf.

¹⁶ ESCWA, *Shelters for Survivors of Violence: Availability and Accessibility in the Arab Region* (forthcoming); and E/ESCWA/ECW/2019/1.

on an emergency basis. In Lebanon, the provision is not explicit, but the Public Prosecutor is empowered to keep perpetrators away from survivors, or to incarcerate perpetrators for 48 hours so that survivors can seek out a protection order.

29. There is no standard length of time for typical civil or criminal protection orders. The length varies from one month in Bahrain, to six months in Tunisia, to five years in Morocco. The laws in Jordan and Saudi Arabia are silent on the length of their respective protection orders.

30. States with stand-alone legislation to address VAW or domestic violence, including Lebanon, Jordan, Saudi Arabia, and Tunisia, do not require other legal proceedings (e.g. criminal or divorce) for a protection order; nor does the protection order preclude from pursuing other proceedings. Saudi Arabia clarifies that protection orders are available independent of other legal proceedings if they do not contravene any other domestic legislation or international commitment. In Morocco, the protection order is directly linked to other criminal proceedings against the perpetrator.

31. Situations vary on whether evidence, in addition to a sworn testimony, is needed to obtain a protection order. In Lebanon, though there is no specification for evidence, survivors can provide proof that they are victims of violence and may submit medical reports, previously submitted complaints, documented threats, and/or accounts from witnesses as evidence. In Bahrain, an affidavit from the survivor is sufficient evidence; supportive evidence such as medical documentation is optional. In Morocco, the law does not provide that courts should consider all forms of evidence in domestic violence cases or that a victim's court testimony may be sufficient evidence to reach a conviction.

32. Based on language in the legislation, most laws presume that the child(ren) will automatically remain with the survivor during the duration of the protection order. However, this is only specified in Tunisia's law. In Lebanon, the children legally included under the protection order are those who are under the age of legal custody in accordance with 1 of the 15 personal status laws. However, a mother may request a separate protection order for children not in her custody through law No. 422 (2002) on the protection of juveniles in conflict with the law or at risk.

33. Perpetrators are advised or required to receive some type of therapy or rehabilitative intervention. This is true for Morocco, Saudi Arabia and Jordan. Bahrain's law calls for psychosocial, health and rehabilitation services for both the survivor and the perpetrator. In general, violations of protection orders by the perpetrator may result in fines or imprisonment or a combination of both. These penalties increase for repeat offenders.

34. Lastly, some laws deviate from good practice, when they stipulate that protection orders may be removed if the survivor chooses to reconcile or pursue mediation with the perpetrator. This is the case in Jordan, where reconciliation and mediation services are provided as an option if there are no criminal charges. In Morocco, the legislation allows orders to be cancelled in the case of reconciliation.

B. SHELTERS

35. While the available information does not allow for a clear narrative on the origin of shelter services in the Arab region, anecdotal evidence indicates that shelters were established in the late 1980s and early 1990s.¹⁷ Shelters in the Arab region are historically linked to the work of NGOs. In 2010, the Tunisia-based Centre for Arab Women Training and Research (CAWTAR) in collaboration with the then-UNIFEM (now UN Women) produced a directory of government and non-government institutions that support female survivors of violence in 19 Arab States. Divided into five main categories – shelter, listening, counselling, research, and advocacy

¹⁷ Jamila Barghach, "Laliti, compassionate savior: the hidden archaeology of founding a shelter", in *Anthropology at the Front Lines of Gender Based Violence*, Jennifer R. Wies and Hillary J. Haldane, eds. (Nashville, Vanderbilt University Press, 2011).

and training – organizations reported on which of these fields of work they specialized in. Out of the 434 organizations included, some 10 per cent indicated that they provided shelter services.¹⁸

36. In the Arab region, shelters are run by government entities or NGOs. The ESCWA study on shelters provides a snapshot of their availability and accessibility in Algeria, Bahrain, Jordan, Lebanon, Morocco, Oman, State of Palestine, Saudi Arabia, the Syrian Arab Republic, Tunisia and Yemen, and their alignment with international standards. The study also highlights the difference in accessibility and service provision for government-run shelters versus those that are run by NGOs.

1. *Government-run shelters*

37. Available data¹⁹ show that there are seven countries in the Arab region, namely Iraq, Jordan, Oman, Morocco, the State of Palestine, Saudi Arabia and the Syrian Arab Republic, with government-run shelters. Three shelters in Iraq are run by local government. In Saudi Arabia, the shelter is run by the Government with a charity organization managing the day-to-day work. The “multifunctional platforms” in Morocco are government structures set up with support from NGOs.

38. Funding for shelters is solely provided by the Government, except in a few cases like Iraq and Morocco where additional funding may be also provided by international donors, the private sector, sale of products and contribution from NGOs.

39. The scope of work of government-run shelters varies. Counselling services are provided by all the shelters for which information is available. Shelters in Iraq also provide psychological counselling services for abusive husbands/fathers. Other shelters run helplines/hotlines and provide legal aid for abused women and economic empowerment services. Activities to raise awareness and advocate for legislative amendments are also carried out by some shelters.

40. According to available information, shelter staffing is full time in Saudi Arabia but shelters in Iraq rely on full-time and part-time staff as well as volunteers. The education level of staff employed in government-run shelters in Iraq and Saudi Arabia ranges from no education to a higher education degree.

41. Information on codes of conduct, complaints procedures and staff training were only available for shelters in Iraq and Saudi Arabia. All shelters provide codes on integrity and confidentiality and have a complaints procedure usually managed by the shelter manager and counsellor. Only one shelter in Iraq provides codes of conduct on how to work with survivors, and it is also the only shelter to provide emotional and psychological support services for its staff and volunteers.

42. Training and capacity development are provided to staff on communication and listening skills. Training on danger assessment was only provided to staff in two out of the three shelters in Iraq. Training on laws and provisions on VAW was not available in the shelter in Saudi Arabia, which also did not provide training in legal aid or gender equality and women empowerment.

43. Women can self-refer to shelters in Jordan, Morocco, Oman, the State of Palestine, the Syrian Arab Republic and one of the shelters in Iraq. Except for the shelter in Oman, these shelters also accept referrals from women’s groups or NGOs. Only the multifunctional platforms in Morocco and one of the shelters in Iraq do not accept referrals from a helpline/hotline. Saudi government-run shelters accept referrals from the Social Protection Unit. The two government-run shelters in the State of Palestine also accept referrals from the Ministry of Health and the social development directorates and women protection networks.

¹⁸ CAWTAR, *Together against Gender-based Violence: Directory of Governmental and Non-Governmental Institutions to Support Women and Girls Survivors of Violence in the Arab Countries* (2010).

¹⁹ Gathered through a survey by ESCWA.

44. All government-run shelters provide housing, basic necessities, counselling, legal support and health/medical services and almost all offer rehabilitation or community reintegration services.

45. Reconciliation services are provided by the almost all government-run shelters. Shelters in Oman, Saudi Arabia and one of the shelters in the State of Palestine do not require women to engage in reconciliation with the perpetrator. These services can be dangerous for women survivors of partner violence and should not be provided by shelters.

2. Shelters run by NGOs

46. There are shelters run by NGOs for women escaping violence in at least seven countries: Algeria, Bahrain, Jordan, Lebanon, State of Palestine, Tunisia and Yemen.²⁰ In the case of Bahrain, the Government funds the costs of running the shelter, with financial and logistical support for survivors in the shelter funded by other charities. None of the other shelters run by NGOs are funded by Governments; they mostly rely on international donors. Eleven of the 13 independently run shelters noted that funding was one of the challenges in keeping the shelter running. Without sustainable funding, the shelters, and the quality and extent of the services they can provide, remain vulnerable.

47. Seven NGOs providing emergency shelter accommodation for women escaping violence also provide helpline/hotlines to support women experiencing domestic violence, counselling and legal aid. All the organizations also raise awareness on VAW and advocate for legislative amendments. Prevention activities, such as awareness raising and advocacy, help to address discrimination and inequality, which are both root causes of VAW and a consequence of it. They contribute to policy and social change.

48. Shelter accommodation is typically a shared house or self-contained units, either within a shared house or separate flats, or a combination of both. Shared accommodation enables women to engage with other residents and share experiences, while the provision of self-contained units can be important when supporting women with mental health or other complex needs. Of the 13 shelters run by NGOs, 6 provide independent units. All 13 shelters provide at least one indoor common recreational space. At least six shelters also provide a communal outdoor space.

49. A range of management and organizational models is used in women's shelters depending on their resources, situation and environment. Some shelters, for example, are run jointly with staff working together as a whole team, some have a specific shelter manager, director or administrator who leads the work of the shelter, while others divide specific leadership roles between senior staff who work together as a team.

50. Inspections of shelters by government entities are only carried out in Bahrain and the State of Palestine; while in Algeria, Lebanon and Yemen there are no national legislations or regulatory requirements for shelters. In Yemen, a national guide has been produced on how to manage shelters. In Lebanon and Tunisia, the shelters are inspected by senior managers from the organizations that run them and, in some cases in Lebanon, by current or potential donors. There appears to be no regulatory oversight of the shelter in Algeria.

51. Except for the shelters in Algeria, the State of Palestine and one of the shelters in Tunisia where volunteers are employed, most of the staff in shelters that are run by NGOs are full time. Concerns over staffing were identified by seven shelters as one of the challenges they face in keeping the shelter running in Algeria, Bahrain, Tunisia and Yemen. The educational level of most staff working in the 13 shelters varies between a university degree and/or higher education level.

52. Twelve shelters provide codes of conduct for their staff on how to interact and work with survivors. All 13 shelters provide codes of conduct for staff related to integrity, confidentiality and ethics as part of their

²⁰ Data gathered through a survey by ESCWA. In total, 13 NGOs running shelters located in 7 countries replied.

approach to service provision. Nine shelters provide emotional/psychological support services for their staff and volunteers.

53. All the shelters provide regular training and capacity-building for their staff, including on communication and listening skills, elements of available laws and provisions, VAW and how to deal with women, children and young people survivors of VAW.

54. All 13 shelters extend their eligibility for access beyond partner violence and other forms of domestic or family violence to include women who have experienced sexual violence (rape) from a stranger. All, except for the shelters in Bahrain and the State of Palestine, also accept survivors of human trafficking. One of the shelters in Lebanon also accepts women experiencing economic violence, deprivation of food and shelter. The shelter in Jordan also accepts any woman subject to abuse or threats who does not have alternative accommodation, and one of the shelters in Tunisia accepts women facing all situations if they present supporting reports.

55. All 13 shelters accept referrals from the police and other officials and all except for the shelters in the and Bahrain and State of Palestine accept referrals from women's groups. Some shelters in Lebanon and Yemen accept referrals from other similar organizations and international organizations. The shelter in Jordan also accepts referral from various ministries, diplomatic missions or embassies, security institutions related to family protection and from individuals.

56. The range of specialist support services provided to survivors by the shelters, in addition to temporary accommodation, is considerable. All 13 offer basic necessities, health services and legal support. Other services provided by most shelters include specific support for children, counselling, and economic empowerment and job/skills training. Only five services are provided by the shelter in the State of Palestine, which has the lowest number of professionals within its staff. The shelters in Bahrain and Jordan provide the highest number of services.

57. An area of concern regarding services provided is that seven shelters include mediation and/or reconciliation among their services, Algeria, Jordan, Tunisia and Yemen offer mediation services. As mentioned above, mediation and reconciliation can be dangerous for survivors, as these approaches fail to recognize the imbalance of power between the survivor and the perpetrator and put women at significant risk.

58. Some general services are also provided by all shelters to women after their stay there. These include employment and education support, continued counselling, transitional housing and rent support (usually limited to three months). Follow-up support is offered by shelters in Algeria for up to two years, in Tunisia for one year, in Yemen until the case is closed, and in Jordan based on need.

59. Most shelters restrict the length of time women and their children can stay, with the majority limiting it to three months. In Lebanon, for example, while the total number of women supported by the three shelters was 400 in 2017, the NGO running the shelters noted that there were no more than 20-25 women in each shelter at a time. All shelters allow for extensions of stay in special circumstances.

III. RECOMMENDATIONS

60. The following recommendations seek to ensure that shelter and protection orders are accessible and part of a holistic and coordinated response to domestic violence, and that a survivor-centered approach is employed in line with international good practice:

(a) Ensure the ratification and full implementation of CEDAW, and adoption of the related general recommendations, without reservation, and engage with the CEDAW process, including timely reporting and participation in the CEDAW Committee's constructive dialogue and the adoption of its concluding observations; ratify the Optional Protocol to CEDAW and ensure that women's rights organizations and groups

are aware of the mechanism; ensure the dissemination and adoption of concluding observations nationally and extend an open invitation to special procedures; and engage with the recommendations of the Special Rapporteur on violence against women, its causes and consequences and apply normative standards;

(b) Develop comprehensive and compliant regional legislation (such as a binding charter or convention) that includes a provision for civil protection orders and outlines their prescription and enforcement, while ensuring cross-border recognition and enforcement between Arab States. In the same vein, ensure that shelter services are an integral element of protection efforts that are part of States' due diligence responsibilities;

(c) Develop comprehensive and compliant national legislation with a broad definition of VAW to ensure comprehensiveness, clarify the criminalization of marital rape, and utilize the framework provided in the Handbook for Legislation on Violence against Women; and develop stand-alone VAW legislation with clear provisions for civil protection orders and shelters that are comprehensive and survivor-centred;

(d) For States without protection order legislation or where there is no provision for civil protection orders, in the interim, requirements must be made within the procedural guidelines of the criminal code to always provide for protection orders in instances of domestic violence; develop or update national strategies and/or action plans to articulate the need for civil protection orders and shelter services through stand-alone VAW legislation, ensure that protection orders and shelter services are available for all forms of violence, including harmful practices such as female genital mutilation and child marriage; develop special considerations within civil protection orders for women with disabilities, refugee women, migrant women, victims of trafficking and those with intersecting needs;

(e) Examine and amend existing codes such as the penal code and codes on judicial proceedings to ensure alignment with laws to combat VAW, and document regional good practice; develop enabling policies and protocols within the criminal justice system that ensure that law enforcement bodies immediately inform survivors of their right to apply for a protection order and facilitate their access to shelter services; improve the coordination between relevant courts, such as family/religious courts and criminal court concerning ex parte, civil and criminal protection orders as well as access to shelter services;

(f) Develop comprehensive national data collection systems to monitor and document court cases at the national level where reference to international law, particularly CEDAW, comprises the base for court rulings; systematically collect data from all sources on the number of civil and criminal protection orders applied for, issued and breached, in line with global indicators on VAW; and collect data on access to shelters;

(g) Improve the availability, provision and capacity of shelters and develop national standards for shelter services that provide for comprehensive in-shelter services, such as psychosocial and health services in line with international standards;

(h) Develop a comprehensive coordinated response to violence and enable civil society to provide the required services to survivors of violence, as a complement to rather than a substitute for State services, and partner with civil society to better reach survivors, provide the most appropriate services and facilitate their access to justice.
