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HONOUR KILLING ITS CAUSES & CONSEQUENCES: SUGGESTED STRATEGIES FOR THE EUROPEAN PARLIAMENT

HUMAN RIGHTS

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Honour Killing, its Causes and Consequences: suggested strategies for the European Parliament

This Briefing Paper presents an analysis of the causes, consequences and context of honour killing and recommends a variety of strategies for consideration by the European Parliament, recognizing that there is a need both to respond immediately to the occurrence of honour killings, whilst working over time to eliminate its root causes which are rooted in larger gender imbalances in societies which tolerate the practise.

Honour killing is a practice whereby male members kill a female relative who is perceived as having damaged family honour. Her death restores the honour of the family. Honour killing can be triggered by a woman or girl talking with an unrelated male, consenting to sexual relations outside marriage, being the victim of rape, or refusing to marry a man chosen by the family. Even a suspicion of the woman's committing any of these transgressions can be sufficient to trigger this action. No further justification is required. Most often the woman is killed by her father, brother or uncle, though other women of the family are usually also complicit in the action. The actual perpetrators of these crimes are often lauded for having restored the family honour and if brought to justice usually receive a reduced sentence on the grounds that "honour" is regarded as an extenuating circumstance. Very often to ensure judicial leniency an under-age male is selected to commit the crime. In some societies committing an honour killing may be regarded as a "rite de passage" indicating and guaranteeing social maturity.

Honour killing is often mistakenly believed to be an Islamic practice or a practice condoned by Islam since it often occurs in Muslim-majority societies. In actual fact honour killing is forbidden in Islam and there is no mention of this practice in the Qur'an or in the Hadiths. There is little evidence of the practice in Muslim-majority countries such as Indonesia or Malaysia. Honour killing occurs in strongly patriarchal societies often referred to as "honour-based" and which are found primarily in the Middle East, the Balkans, the southern Mediterranean, and South Asia. In traditional patriarchal societies inheritance is patrilineal, and the family or kin group is the basic social, economic and political unit. The persistence and continuity of that structure depends upon the ability of the women of the family to bear legitimate children, hence the emphasis on control by the family of women's sexual and reproductive powers. In such societies the rights and status of the individual are subordinate to those of the family group. In strongly patriarchal societies women are often legally minors throughout their lives, merely changing from being the property of their father's family to being the property of their husband's family, without acquiring any political or economic voice, and with no possibility of independent action as an individual.

In most countries where honour killings are tolerated, these acts do fall under laws dealing with murder but at the same time rules of defence relating to provocation and extenuating circumstances can be found in their penal codes. Such provisions usually originate from old colonial penal codes Spanish, French or Ottoman where honour killings are accorded similar treatment as are "crimes of passion", in that sentencing is

based not on the act itself but on the feelings of the perpetrator. If defence of family honour is regarded as an extenuating circumstance, killing in the name of honour may incur a sentence of a few months only.

Honour killing can be seen as one of a range of violent and non-violent manifestations of woman's commodification in patriarchal, honour-based societies. A variant on honour killing is honour suicide whereby members of the family force the perceived transgressor to take her own life. Amongst other violent manifestations of patriarchal power over women are Female Genital Mutilation (FGM) sometimes known as female circumcision; the practice of suttee or widow-burning, and acid-attacks or other forms of defacing and despoiling the perceived offender. Forced virginity testing and female foeticide also fall into this category of violent acts against women which are characteristic of strongly patriarchal societies.

The incidence of honour killings is presumed to increase in situations of economic crisis or conflict, or where traditional patriarchal values are under threat as for example when minority communities where honour killings are tolerated come into contact with mainstream societies which do not share the same views of appropriate gender roles. A woman in an immigrant community who is threatened by honour killing by her family is usually discriminated against not only on the basis of gender but may also encounter further ethnic, racial and gender prejudice if she seeks help from the police.

Although it is extremely difficult to obtain meaningful statistical information on the numbers of honour killings which take place on an annual basis in any given society globally it has been estimated that 5,000 girls and women are killed every year by male family members for the sake of honour. Between 1993 and 2003 police identified 109 honour-related crimes across U.K. and Europe¹. In Jordan it is estimated that between 25 and 40 women are killed each year in the name of honour². In the region of Punjab which straddles the India-Pakistan border the number of honour killings committed within both Muslim and Hindu communities in 1998 and 1999 was estimated at 888 each year by one source whilst another gave a figure for 1999 of 278. The figure of 1000 women killed each year is often cited for Pakistan. Honour killing self-evidently violates the right to life of the individual victim, a right which is regarded as the most fundamental of all rights and which is enshrined in all major human rights instruments, not least in the Universal Declaration of Human Rights (UDHR) (1948).

It has often been noted however that the UDHR and other key human rights instruments are "gender neutral" in that they are based on an assumption that the "human condition is gender free". They concern primarily the rights of the individual vis-à-vis the state, and concern the conduct of the state or its agencies relative to all individuals. In this legal context only a state or its agents can commit a human rights violation, and generally speaking non-state actors are not accountable under international human rights law. In this perspective whilst violence perpetrated against

¹ Reported in The Guardian newspaper 04.10.06

² Becker, J.N. *Crimes of Honour: Women's Rights and International Human Rights Law*
– School of International Training, International Studies, Geneva Switzerland, 2004

http://www.sit-edu-geneva.ch/crimes_of_honor.htm

any individual by the state such as acts of torture are addressed, individual acts of violence against another individual in the domestic or private sphere are not. A major landmark in redressing the recognized gender bias in human rights legislation was the approval in 1979 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) which is often called the “international bill of rights for women”. CEDAW differs in a number of ways from preceding instruments which are also based upon the principle of non-discrimination in recognizing that equal treatment of persons in unequal situations perpetuates rather than challenges discrimination.

CEDAW recognizes specifically that violations in both public or private spheres are equally violations of women’s rights, and recognizes also the negative impact of social customary and cultural practices which are based on the false idea of the innate inferiority or superiority of either sex or on stereotypical roles for men and women.

The CEDAW Committee has taken up the issue of Honour Killing very frequently in its concluding observations on national reports. However given the weak enforcement mechanisms and the acceptance of ratification with reservations it is paramount that national legislation with respect to Honour Killing be reformed by all States parties as soon as possible.

The paper makes a number of recommendations to the European Parliament with respect to the response to Honour Killings key amongst them are the following:

- **Provide support strategies to address honour killings as part of a holistic approach to the promotion of gender equality**

In line with European Parliament Resolution (P6_TA (2006)0038) on the current situation in combating violence against women and any further action, it is recommended that the European Parliament through its contacts with national counterparts must promote and support a *strategic and holistic approach* to addressing honour killings in societies or communities where it is tolerated. A strategic approach involves coordinated actions political, legal, economic, cultural to promote gender equality which includes addressing societies’ attitudes and values with respect to masculinity, and to group versus individual rights, as well as actions to enhance the role of women in all fields.

- **Provide support the Parliaments of third countries in their work as legislators**

A large number of international declarations and conventions which condemn the practice of honour killing already exist. However, as is also well known these international mechanisms do not have the capacity to enforce but can only recommend.

States need to *ratify and accede to key* international declarations and conventions, particularly the CEDAW and its Optional Protocol.

Equally importantly States Parties need to realize those commitments through *legislative reform* and by ensuring *reform of the penal codes which condone honour killing*. Murder of men and murder of women must be treated equally. Discriminatory provisions relating to justifications excuses or defences on grounds of honour or passion must be removed.

- **Support comprehensive programmes of public education (in Europe and in Third countries)**

Comprehensive programmes of public education should be established through all media including conventional mass media, the Internet, the school system, NGOs and community groups in order to destroy the culture of silence surrounding honour killing and to help to change social attitudes towards its acceptability by women and men. NGOs, civil society, media, religious groups, men's and women's groups and other forces for socialization have an important role to play in creating a climate of opinion where honour killing and other forms of gender-based violence are not acceptable. Special attention must be given to including men in the debate, and to discussion of "alternative masculinities" i.e. alternative ways of defining what it is to be a man, building on the existing experience in this field in Europe and elsewhere.

- **Support actions in *EU Member States***

to ensure that immigration policies acknowledge that a woman has a right of asylum to escape from violence threatened by any perpetrator including her relatives.

- **Support actions in *EU Member States* to ensure that authorities recognize** and can deal effectively with the threat and incidence of honour killing in immigrant communities, where the danger may be exacerbated by the challenges posed by mainstream society values to traditional patriarchal values in the immigrant community.

- **Support actions on the *global stage* with respect to honour killing**

Support the work of the related UN bodies (UN Commission on the Status of Women, UN Commission on Human Rights, UNIFEM, etc). Endorse and publicize the work of the UN Special Rapporteur on Violence Against Women in the work of gathering information on violence against women (including honour killing), and providing recommendations for strategies to treat this phenomenon.

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1. Introduction

Reported cases of “honour killing” are greeted with expressions of abhorrence which whilst understandable do not provide a sound basis for addressing this sociologically predictable phenomenon. An honour killing of a woman by a male relative is not an individual act of violence, but one which is collective, planned, sociologically predictable, and socially approved by both men and women in the family and community concerned. Responses in terms of condemnation of male violence and the provision of shelter for vulnerable women are neither adequate nor effective.

This Briefing Paper presents an analysis of the causes, consequences and context of honour killing and recommends a variety of strategies for consideration by the European Parliament, recognizing that there is a need both to respond immediately to the occurrence of honour killings, whilst working over time to eliminate its root causes which are rooted in larger gender imbalances in societies which tolerate the practise.

1.1 What is “honour killing”?

Honour killing is a practice whereby male members kill a female relative who is perceived as having damaged family honour. Her death restores the honour of the family. Honour killing can be triggered by a woman or girl talking with an unrelated male, consenting to sexual relations outside marriage, being the victim of rape, or refusing to marry a man chosen by the family. Even a suspicion of the woman’s committing any of these transgressions can be sufficient to trigger this action. No further justification is required. Most often the woman is killed by her father, brother or uncle, though other women of the family are usually also complicit in the action. The actual perpetrators of these crimes are often lauded for having restored the family honour and if brought to justice usually receive a reduced sentence on the grounds that “honour” is regarded as an extenuating circumstance. Very often to ensure judicial leniency an under-age male is selected to commit the crime. In some societies committing an honour killing may be regarded as a “rite de passage” indicating and guaranteeing social maturity.

Box 1. Characteristics of honour killing

“First, these crimes are committed against young women for their real or alleged sexual activities. Second, there is no sympathy even when the girls are subjected to cruelty, incest or rape. Third, there is enormous pressure on fathers and brothers to kill them. Attempts to marry their “tainted” daughters off, or to send them away, do not resolve the matter. Fourth, families are more punitive when the victims are pregnant. Fifth, the HK decision is taken by numerous men, but women (mothers and sisters) also collude in the decisions. They remain silent, serve to confirm an alibi and protect the killers. Always, the executioners are men. Sixth, although these are premeditated murders, the killers manipulate the justice system to get away with murder. Seventh, the court systems are lenient to the offenders.” Sev’er A. & G. Yurdakul, *Culture of Honour, Culture of Change: a Feminist Analysis of Honour Killing in Rural Turkey*, London, 2004

1.2 “Honour killing” and “crimes of passion”

It is often noted that the very term “honour killing” like the term “crime of passion” communicates the perspective of the perpetrator and in so doing implies a justification

of the act. The question can be raised as to the ways in which honour killings are different from crimes of passion which are often treated with similar leniency on account of the perpetrator having been unbearably provoked.

Typically honour killings are planned, rather than being impulsive. Honour killings are usually committed by the woman's father, brother or uncles with the collective knowledge and support of the family and community.

"Crimes of passion" on the other hand are usually committed by a husband, boyfriend or lover against a woman and possibly the man with whom she is thought to have transgressed. Crimes of passion are usually committed by an individual against his/her sexual partner, and relate to individual sexual access rather than to group ownership of reproductive potential.

Box 2. Incidence of Crimes of Passion

Crimes of passion (like honour killings) are usually justified by the perpetrator as being a necessary defence against an unbearable stain on his honour.

"In 1980 there were reportedly 700 cases in Sao Paulo alone of men killing female companions and claiming "the legitimate defence of honour". This defence has been responsible for a substantial amount of acquittals of men who killed their wives in Brazil up to 1991 when the Supreme Court ruled that murder was never a legitimate response to adultery".

State Responses to Honour Killings

<http://www.abo.fi/instut/imr/norfa/Katja%20Luopa%20killings.pdf>

2. Special features of honour-based societies

2.1 Patriarchal societies and honour killing

Honour killing is often mistakenly believed to be an Islamic practice or a practice condoned by Islam since it often occurs in Muslim-majority societies. In actual fact honour killing is forbidden in Islam and there is no mention of this practice in the Qur'an or in the Hadiths. There is little evidence of the practice in Muslim-majority countries such as Indonesia or Malaysia. Honour killing occurs in strongly patriarchal societies often referred to as "honour-based" and which are found primarily in the Middle East, the Balkans, the southern Mediterranean, and South Asia. In traditional patriarchal societies inheritance is patrilineal, and the family or kin group is the basic social, economic and political unit. The persistence and continuity of that structure depends upon the ability of the women of the family to bear legitimate children, hence the emphasis on control by the family of women's sexual and reproductive powers. In such societies the rights and status of the individual are subordinate to those of the family group. In strongly patriarchal societies women are often legally minors throughout their lives, merely changing from being the property of their father's family to being the property of their husband's family, without acquiring any political or economic voice, and with no possibility of independent action as an individual.

Box 3. Worldwide Reporting of Honour Killing to UN Commission on Human Rights

Reports submitted to the UN Commission on Human Rights show that honour killings have occurred in Bangladesh, Brazil, Ecuador, Egypt, France, Germany, India, Iran, Israel, Italy, Jordan, Lebanon, Morocco, Pakistan, Syria, Sweden, Turkey, Uganda, the UK, the USA, and Yemen.

Becker, J.N. *Crimes of Honour: Women's Rights and International Human Rights Law*, Geneva 2004
http://www.sit-edu-geneva.ch/crimes_of_honour.htm

2.2 Codes of Honour in Patriarchal Societies

Societies where honour killings occur are characterized by the existence of codes of honour which specify what is and is not “honour”. Honour relates to the outside world’s view of a person and can be both won and lost. The community has the obligation to respect a person as long as the code is followed and is seen to be followed.

The fact that the practice of honour killing is embedded in and expresses the most deep-rooted values of patriarchal societies, values which are shared by women and men, implies that strategies to address this must be complex comprehensive, and long-term, addressing not only the incidents themselves but also the root causes.

Box 4. Honour Crimes against Men in Honour-based Societies: the Albanian “sworn virgins”

Blood-feuding and vendettas etc which involve *only* males are the counterpart of female-targeted honour killing. Such practices are common in the Balkans, Caucasus regions, Sicily and Corsica. Blood feuds in the Balkans are based on very old codes of honour, known as the kanun. In Albania according to the kanun “an offence against honour is not paid for with property but by the spilling of blood”. This applies only to men. Where the men of the household are virtually house-bound because of blood-feuding a woman of the family may become a “sworn virgin” and assume headship of the family. She takes a vow of celibacy, dresses like a man, and does a man’s work.

Young, A., *Women Who Become Men: Albanian Sworn Virgins* Berg, Oxford, 2000

2.3 Honour and Shame: the qualities of men and women in honour-based societies

Patriarchy crosses faiths and cultures. In strongly patriarchal societies, women and the reproductive power that they embody are a commodity. They are the property of the family to be guarded and exchanged according to strict rules. If those rules are breached, or are perceived to have been breached the men of that family are obliged to eliminate the woman who has brought shame to the family in order to restore family honour. Honour which inheres in the male members of the family can be seen as a parallel concept to shame which is experienced by women. Lost honour becomes a reality when it is made public, and can be restored by a collective response, typified by the collusion of family members in the death of a woman who is perceived by themselves and by the outside world to have brought shame on the family.

2.4 Treatment of honour killing in traditional patriarchal societies

In most countries where honour killings are tolerated, these acts do fall under laws dealing with murder but at the same time rules of defence relating to provocation and extenuating circumstances can be found in their penal codes. Such provisions usually originate from old colonial penal codes Spanish, French or Ottoman where honour killings are accorded similar treatment as are “crimes of passion”, in that sentencing is based not on the act itself but on the feelings of the perpetrator. If defence of family honour is regarded as an extenuating circumstance, killing in the name of honour may incur a sentence of a few months only.

Box 5. Karo-kari in Pakistan

Many cases of honour killings have been reported in Pakistan. During the year 2002 in Pakistan about 400 people men and women were killed in the name of karo-kari (approximately 245 women and 137 men). According to karo-kari whilst the victims are overwhelmingly female tradition dictates that the male involved in the offence should face death as well. However the accused women are killed first giving the men a chance to flee. Targeted men can usually escape death by paying compensation to the family of the victim leading to what has been described as an “honour killing industry” involving police and other authorities and mediators. There are also many reports of murders unconnected with honour issues being disguised by the killing by the perpetrator of a woman in his own family in order to disguise the initial murder as the consequence of an honour killing.

President Musharraf has stated in 2000 that “the Government of Pakistan vigorously condemns the practice of honour killing. Such actions do not find any place in our religion or law”. However not everyone shares this view. The Chairman of the Sindh National Front has defended honour killings saying, “if one is condemned to death for maintaining his honour and self respect, then what is left for him to live”.

State Responses to Honour Killings

<http://www.abo.fi/instut/imr/norfa/Katja%20Luopa%20killings.pdf>

2.5 Honour killing as one type of Gender-Based Violence (GBV) in patriarchal societies

Honour killing can be seen as one of a range of violent and non-violent manifestations of woman’s commodification in patriarchal, honour-based societies. A variant on honour killing is honour suicide whereby members of the family force the perceived transgressor to take her own life. Amongst other violent manifestations of patriarchal power over women are Female Genital Mutilation (FGM) sometimes known as female circumcision; the practice of suttee or widow-burning, and acid-attacks or other forms of defacing and despoiling the perceived offender. Forced virginity testing and female foeticide also fall into this category of violent acts against women which are characteristic of strongly patriarchal societies

Amongst the non-violent manifestations, though they may indeed lead to violence, are the practices of payment of dowry and bride-price on the exchange of a female commodity between her natal family and her family of marriage. Sometimes in such societies widows may be inherited by the dead husband’s brother, although more often a widow in a patriarchal society is a non-person, as is a barren woman.

Statistical data from many societies shows that strong preference for sons in patriarchal societies may lead to the neglect or malnutrition of female babies and infants leading to higher infant mortality amongst under five girls.

Box 6. Turkey: From Honour Killings to Honour Suicides

Hoping to join the EU, Turkey has tightened the punishment for honour killings but the violence has taken a different form. In some conservative rural areas of Turkey it is reported that some parents are seeking to spare their sons the harsher punishment now associated with killing their sisters and other female relatives by pressing the women to take their own lives instead. Civil society organisations in Turkey say that the evidence suggests that girls who are considered to be dishonoured are locked in a room for days with rat poison, a pistol or a rope, and told by their families that the only course of action open to them is to take their own lives.

ENOC – European Network of Ombudspople for Children

<http://www.crin.org/enoc/resources/infoDetail.asp?ID=9496&flag=news>

2.6 Incidence of honour killing in different countries and regions

It is extremely difficult to obtain meaningful statistical information on the numbers of honour killings which take place on an annual basis in any given society. The fact that the killing takes place within the family group, that it may be presented as an accident or as suicide, and because police and other authorities may choose to ignore such deaths means that the crimes are very often not registered, nor brought to justice. Any

figures cited may therefore be presumed to understate the actual situation, and a higher incidence as between different countries or from year to year may indicate the establishment of a better reporting system or greater public awareness making it unwise to construct country rankings or league tables as is sometimes attempted.

Globally it has been estimated that 5,000 girls and women are killed every year by male family members for the sake of honour. Between 1993 and 2003 police identified 109 honour-related crimes across U.K. and Europe³. In Jordan it is estimated that between 25 and 40 women are killed each year in the name of honour⁴. In the region of Punjab which straddles the India-Pakistan border the number of honour killings committed within both Muslim and Hindu communities in 1998 and 1999 was estimated at 888 each year by one source whilst another gave a figure for 1999 of 278. The figure of 1000 women killed each year is often cited for Pakistan⁵.

Box 7. Clash of Values and Honour Killing

In January 2002 in Uppsala, Sweden, 26 year-old Fadime Sahindal was shot dead by her father because he could not approve of her independent life-style. Fadime's family was conservative and her father wanted Fadime and her sisters to marry Kurds. Fadime's father and brother had repeatedly threatened to kill her because of the shame they thought she had inflicted upon them and she brought a highly publicized court case against them in 1998. Fadime's father was given a suspended sentence and a fine for the threats, whilst the then 17-year-old brother, whose threats were considered most serious, was sentenced to probation for one year. Four years later Fadime's father shot his daughter in the presence of Fadime's sisters and mother. Fadime's father confessed to the murder and was subsequently arrested. He was convicted for murder and sentenced to lifetime imprisonment.

Reported by the Swedish National Broadcasting Company www.svt.se/nyheter

2.7 Honour killing in minority communities

The incidence of honour killings is presumed to increase in situations of economic crisis or conflict, or where traditional patriarchal values are under threat as for example when minority communities where honour killings are tolerated come into contact with mainstream societies which do not share the same views of appropriate gender roles. A woman in an immigrant community who is threatened by honour killing by her family is usually discriminated against not only on the basis of gender but may also encounter further ethnic, racial and gender prejudice if she seeks help from the police. This is known as a situation of “intersectionality” or multiple discrimination where several cross-cutting dimensions such as gender, class, ethnicity and age combine to undermine the status and power of individuals. Such situations are often not properly understood by the police and other authorities in the mainstream society.

3. Responses to Honour Killing at International, European, and National levels.

3.1 Global Actions towards Women's Empowerment and Gender Equality

The past four and a half decades, since the First World Conference on Women which took place in Mexico in 1975, have seen ever-increasing attention being paid to

³ Reported in The Guardian newspaper 04.10.06

⁴ Becker, J.N. *Crimes of Honour: Women's Rights and International Human Rights Law* – School of International Training, International Studies, Geneva Switzerland, 2004
http://www.sit-edu-geneva.ch/crimes_of_honor.htm

⁵ See http://www.gendercide.org/case_honour.html

women's empowerment and gender equality by international organisations and national governments, by parliamentarians, international and national NGOs, media, academia and a host of civil society organisations.

Within this overall movement the problem of Violence Against Women (VAW), which includes honour killing, has gradually been recognized as an important human rights issue, having initially been treated largely as a health problem.

It is not possible in the scope of this brief paper to present a comprehensive picture of this ongoing global movement for gender equality, which is guided primarily by the frameworks provided by the follow-up to the Fourth World Conference on Women (FWCW) Beijing 1995, where the Beijing Declaration and Platform for Action (BfPA) was issued, and by the Millennium Development Goals established at the World Social Summit of 2000.⁶ The focus in succeeding paragraphs is primarily on human rights conventions and legislation, but two trends of interest can be briefly noted.

First, there is an increasing emphasis both in Europe and in third countries on working not only with the female victims of violence but also with the male perpetrators in order to understand and deal with the root causes of violence. Sweden and other Scandinavian countries have worked in this field.⁷ UNICEF's work in developing countries particularly in addressing Female Genital Mutilation (FGM) provides some valuable experience in working with both men and women to address this issue⁸.

Second, the World Wide Web has become an increasingly powerful instrument of advocacy for legislative reform, for monitoring and reporting on incidences and treatment of violence. Its potential has to date been recognized primarily by NGOs and civil society groups, but it could be much more fully exploited by official authorities.

3.1.1 International Human Rights Legislation

Honour killing self-evidently violates the right to life of the individual victim, a right which is regarded as the most fundamental of all rights and which is enshrined in all major human rights instruments, not least in the Universal Declaration of Human Rights (UDHR) (1948).

Furthermore it could be argued that honour killing is an act of discrimination both in being perpetrated against women, and in being regarded as a less serious offence than the killing of a man, given that family honour is regarded as an extenuating circumstance.

It has often been noted however that the UDHR and other key human rights instruments are "gender neutral" in that they are based on an assumption that the "human condition is gender free". They concern primarily the rights of the individual vis-à-vis the state, and concern the conduct of the state or its agencies relative to all

⁶ A comprehensive overview can be found in the *EC Toolkit on Mainstreaming Gender in EC Development Cooperation*, Europeaid 2005, Section One, Chapter Two.

⁷ See www.ab.lst.se for the Swedish experience on involving men programmes to eliminate domestic violence; and also www.un-instraw.org/mensroles for discussion on issues and approaches to working with men against gender-based violence

⁸ See UNICEF Report on the *State of the World's Children 2002* for report on a grassroots movement in Senegal to end FGM www.unicef.org

individuals. In this legal context only a state or its agents can commit a human rights violation, and generally speaking non-state actors are not accountable under international human rights law. In this perspective whilst violence perpetrated against any individual by the state such as acts of torture are addressed, individual acts of violence against another individual in the domestic or private sphere are not.

Box 8. Milestones in Addressing Patriarchal Violence against Women

- The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- The Convention on the Elimination against Women (1979) & General Recommendation No 19 on Violence Against Women (1992)
- Report of UN World Conference on Human Rights, Vienna (1993)
- Appointment of Special Rapporteur on Violence against Women attached to the UN Office of the High Commissioner for Human Rights (OHCHR) (1994)
- United Nations Declaration on the Elimination of Violence against Women (1993)
- The Beijing Declaration and Platform for Action (1995)
- Security Council Resolution 1325 (2000)
- European Parliament Resolution on the Current Situation in combating violence against women and any future action (2006)

(a) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)

A major landmark in redressing the recognized gender bias in human rights legislation was the approval in 1979 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) which is often called the “international bill of rights for women”. CEDAW differs in a number of ways from preceding instruments which are also based upon the principle of non-discrimination in recognizing that equal treatment of persons in unequal situations perpetuates rather than challenges discrimination. According to CEDAW States Parties must not only not commit any act of discrimination against women, but are also obligated to regulate actions of other public and private organisations and individuals. This provision makes the state responsible to regulate actions of in the private sphere such as various manifestations of Gender-based Violence (GBV) or Violence against Women (VAW). As discussed above Honour Killing is one of the more dramatic manifestations of Gender Based Violence or Violence Against Women.

CEDAW recognizes specifically that violations in both public or private spheres are equally violations of women’s rights, and recognizes also the negative impact of social customary and cultural practices which are based on the false idea of the innate inferiority or superiority of either sex or on stereotypical roles for men and women. The CEDAW Committee has taken up the issue of Honour Killing very frequently in its concluding observations on national reports. However given the weak enforcement mechanisms and the acceptance of ratification with reservations it is paramount that national legislation with respect to Honour Killing be reformed by all States parties as soon as possible.

CEDAW Recommendation on Violence Against Women (1992)

In the course of monitoring the implementation of CEDAW it has been recognized that certain aspects of the Convention require more emphasis or more specific treatment that is actually given in the main text. Accordingly a number of additional Recommendations have been made to strengthen key areas. These include a Recommendation on Violence Against Women (1992) which instructs States Parties to pay particular attention to incidence of violence against women or gender-based violence which reflects discriminatory cultural patterns and values. This recommendation stresses in particular the need for “effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect

women against all kinds of violence, including inter alia violence and abuse in the family” and calls upon states parties to put in place “preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women”.

The CEDAW Optional Protocol which came into force in December 2000 has further strengthened the monitoring of CEDAW implementation though it appears that to date the Optional Protocol has not been applied to any instance of threatened honour killing.

(b) UN Declaration on the Elimination of Violence Against Women (1993) constitutes another important step, defining violence against women 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”.

(c) The appointment in 1994 of the UN Special Rapporteur on Violence Against Women attached to the UN Office of the High Commissioner for Human Rights also represents a significant step. The Rapporteur has as her mandate to seek out and report incidences of violence from Governments, treaty bodies, specialized agencies, intergovernmental organisations and NGOs and to recommend measures at national, regional and international levels to eliminate violence against women. In her report to the UN Commission on Human Rights on violence against women in the family issued in 1999 she has dealt with honour killings (Coomaraswamy, R. Violence Against Women in the Family, Report of the Special Rapporteur on violence against women its causes and consequences, UN doc.E/CN.4/1999/68). Her successor, Yakin Erturk, in her Report to the UN Commission on Human Rights has stressed the need to develop and apply innovative strategies for dealing with violence bearing in mind the special cases of gender-based discrimination in minority communities (UN CHR E/CN.4/2004/66).

3.2 European level

(a) An important milestone at the European level is the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) which enshrines everyone’s right to life, the prohibition of torture and slavery, the right to freedom and security, and the prohibition of discrimination (Section 1, Articles 2,3,4,5, and 14).

(b) The European Parliament Resolution on the current situation in combating violence against women and any future action June 2006 (P6_TA (2006) 0038) represents the most recent statement on this issue. The Resolution recognizes honour killing as one of many types of acts of violence against women, calling for a policy of zero tolerance and setting out a number of measures and partnerships to be adopted.

3.3 National Level

To date some 185 countries worldwide have ratified CEDAW and a further 88 have ratified the Optional Protocol. In principle States parties are obliged to bring national laws and penal codes, into line with Commitments to CEDAW and other international human rights legislation, however, the penal codes in many countries which have

ratified the CEDAW and other relevant Conventions still contain provisions which consider protection of “honour” as constituting an extenuating circumstance making the perpetrator liable to a much lighter sentence than those awarded to individuals who commit murder. Amending these penal codes to bring them into line with international human rights commitments is a priority.

Individual States where honour killing is practised may claim that the international community has no right to question the validity of such practices. Similarly governments of countries where honour killing occurs in a minority community may hesitate to take a firm position on human rights violations within that community on the grounds of respect for cultural specificity. The act of “turning a blind eye” can occur at many levels from the police force or medical personnel called to the crime scene to the judges and juries called upon to adjudicate the crime.

Often religion or cultural specificity may be invoked to justify honour killing and to ensure that it is not treated as a capital offence. In fact the debate on honour killing has been the site of many clashes between so-called “universalists” who believe that taking human life can never be condoned, and “relativists” who defend the rights of different cultures to define murder of a woman in the name of honour as a lesser offence. The logic of the “cultural” defence at the individual level is that the defendant should be able to introduce (foreign) cultural values in order to mitigate or negate culpability for an act.

Box 9. Addressing the problem of Honour Killing in Jordan: a multi-facetted approach.
In Jordan honour killings are sanctioned by Law as according to Article 340 of the Criminal Code “a husband or close blood relative who kills a woman in a situation highly suspicious of adultery will be totally exempt from sentence”. After a great deal of lobbying and pressure from women’s groups the law has been amended to guarantee women the same rights in the case of the husband’s adulterous behaviour. Article 98 meanwhile guarantees a “lighter sentence for male killers of female relatives who have committed an act which is illicit in the eyes of the perpetrator”. In practice a murder which is judged to be an honour killing normally receives a sentence of 3 to 6 months. Activists point out that this legislation is in fact a relic of the French Penal Code adopted by the Ottomans in 19th Century.
Despite continuing staunch opposition to amending the legislation from conservative elements in the Lower House of Parliament a wide range of individuals and groups are involved in the campaign to treat honour killings as other murders are treated.
Since 1994, Rana Hussein, an award- winning journalist with the English-language newspaper The Jordan Times has been bringing the magnitude of the problem into the public eye.
King Abdullah II and other members of the royal family are similarly vocal in their opposition.
Groups of lawyers are providing women with information on their rights, and equally importantly pro bono legal advice to guarantee their access to justice.
Reported on *Gendecide Watch: Honour Killings and Blood Feuds* http://www.gendecide.org/case_honour.html

It is interesting to note in this connection the words of the UN Special Rapporteur on the Freedom of Religion and Belief at the meeting of the 60th Commission on Human Rights in 2004 who made the following statement
“.....not all traditions have value and some are contrary to human rights and must be combated. One must distinguish between necessary tolerance, and blindness to degrading treatments and violations of human rights. For freedom of religion not to be contrary to women’s rights, the right to difference inherent in the former must not become a right to indifference to the condition of women”.(Cited in *State Responses to Honour Killings*
<http://www.abo.fi/instut/imr/norfa/Katja%20Luopa%20killings.pdf>).

4. Conclusions and Recommendations

Recommendations to the European Parliament with respect to the response to Honour Killings

4.1 Support strategies to address honour killings as part of a holistic approach to the promotion of gender equality In line with European Parliament Resolution (P6_TA (2006)0038) on the current situation in combating violence against women and any further action, it is recommended that the European Parliament through its contacts with national counterparts must promote and support a *strategic and holistic approach* to addressing honour killings in societies or communities where it is tolerated. As has been demonstrated the practise of honour killing is rooted in and a manifestation of patriarchal values in which both men and women in those societies are socialized, and the eradication of this practice therefore depends on the effective promotion of gender equality. A strategic approach involves coordinated actions political, legal, economic, cultural to **promote gender equality** which includes addressing societies' attitude and values with respect to masculinity, and to group versus individual rights, as well as actions to enhance the role of women in all fields.

4.2 Identify, mobilize and support internal forces for social change

Intervention from outside authorities in the practice of honour killings, as in other types of Gender Based Violence (GBV) such as Female Genital Mutilation (FGM) has been shown to exacerbate the situation as traditional values and authorities may become more entrenched when challenged. National authorities must be encouraged to *identify those entry points* in their respective societies where there is already an impetus for change which can be supported and enhanced.

Change of those values is a long term process which can however be promoted through a number of concrete actions short- medium and long-term both by the State and by civil society actors.

4.3 Support the Parliaments of third countries in their work as legislators

A large number of international declarations and conventions which condemn the practice of honour killing already exist. However, as is also well known these international mechanisms do not have the capacity to enforce but can only recommend.

States need to *ratify and accede to key* international declarations and conventions, particularly the CEDAW and its Optional Protocol.

Equally importantly States Parties need to realize those commitments through *legislative reform* and by ensuring *reform of the penal codes which condone honour killing*. Murder of men and murder of women must be treated equally. Discriminatory provisions relating to justifications excuses or defences on grounds of honour or passion must be removed.

4.4 Support to National Women's Machinery (NWM) and other national authorities

To ensure the most inclusive, accurate and timely reporting on CEDAW and related conventions and to assist them to lobby for legislative reform.

4.5 Support to national NGOs.

Support the NGO community so that it can ensure effective “shadow reporting” to the CEDAW Committee including reporting on incidence and treatment of honour killings. Support NGOs in raising the level of public debate on honour killings, and in providing legal literacy training, and supporting women’s access to justice.

4.6 Support to the judicial system

All cases of honour killing need to be *registered, investigated and brought to justice*. *Police and other officials found guilty* of neglected, concealing, or condoning cases of honour killing should be removed

Effective *penal sanctions* need to be put in place for offenders, and for family or community members who encourage or facilitate the killings in any way.

Protection must be provided by those who report honour killing before or after the event.

4.7 Support to capacity-building of judicial system

The State must ensure the *proper application of the laws* by ensuring that all those involved police, prosecutors, magistrates, judiciary, should be trained to understand the issues behind honour killing, its illegality and its indefensibility on the grounds of “honour” or “passion”.

4.8 Support to the establishment of a comprehensive referral system

A *comprehensive referral system* needs to be established including police, medical personnel, teachers, NGOs, religious and community leaders and others in order to ensure that potential victims can be protected, and crimes reported and brought to justice.

4.9 Support to programmes of legal literacy and access to justice for potential victims and survivors

Support programme of legal literacy for women and men in order that they are made aware of their rights as individuals. *Women’s access to legal aid* should be guaranteed.

4.10 Support programmes to address complex needs of survivors

Survivors should be provided with compensation as well as *legal, psychological and social assistance*.

4.11 Provide protection for women threatened by honour killing

Shelter and safe accommodation needs to be provided for those threatened.

4.12 Support comprehensive programmes of public education (in Europe and in Third countries)

Comprehensive programmes of public education should be established through all media including conventional mass media, the Internet, the school system, NGOs and community groups in order to destroy the culture of silence surrounding honour killing and to help to change social attitudes towards its acceptability by women and men. NGOs, civil society, media, religious groups, men’s and women’s groups and other forces for socialization have an important role to play in creating a climate of opinion where honour killing and other forms of gender-based violence are not acceptable. Special attention must be given to including men in the debate, and to

discussion of “alternative masculinities” i.e. alternative ways of defining what it is to be a man, building on the existing experience in this field in Europe and elsewhere.

4.13 Support actions in EU Member States

to ensure that immigration policies acknowledge that a woman has a right of asylum to escape from violence threatened by any perpetrator including her relatives.

4.14 Support actions in EU Member States to ensure that authorities recognize and can deal effectively with the threat and incidence of honour killing in immigrant communities, where the danger may be exacerbated by the challenges posed by mainstream society values to traditional patriarchal values in the immigrant community.

4.15 Support actions on the global stage with respect to honour killing

Support the work of the related UN bodies (UN Commission on the Status of Women, UN Commission on Human Rights, UNIFEM, etc)

Endorse and publicize the work of the UN Special Rapporteur on Violence Against Women in her work of gathering information on violence against women (including honour killing), and providing recommendations for strategies to treat this phenomenon.

Box 10. Treatment of “honour killing” in Denmark

The decision of a Danish court in dealing with an incident of honour killing is regarded as representing an important milestone as both the person who committed the murder and the accomplices were punished.

In September 2005 18-year-old Pakistani girl, Ghazala, was shot dead by her brother in the middle of a street in a small town near Copenhagen. She had married a young Afghan man without notifying her family. Her spouse was also injured in the attack.

Those found guilty in this case, and their sentences are as follows:

Brother: 16 years imprisonment for murder of his sister and for causing injury to her spouse

Father: life-long imprisonment for provocation and coordination of murder

Aunt: 14 years imprisonment and deportation for coordinating a fake peace-making meeting and entrapping the couple

Uncle: 16 years for planning the murder and the fake meeting

Family friend: 10 years imprisonment for tracking Ghazala and helping with the murder

Brother’s friend: 10 years imprisonment for assisting with the meeting and the murder

Taxi driver: 8 years for driving the murderer to the scene

Aunt’s friend: 14 years imprisonment and deportation for planning the murder and for helping to track down Ghazala

Reported on Flying Broom http://en.ucansupurge.org/index.php?option=com_content&task

Glossary of Key Terms

Bride price (also known as **bride wealth**): an amount of money or property or wealth paid to the parents of a woman for the right to marry their daughter. (*Compare* dowry, which is paid to the groom, or used by the bride to help establish the new household, and dower, which is property settled on the bride herself by the groom at the time of marriage.) In the anthropological literature bride price has often been explained in market terms, as payment made in exchange for the bride's family's loss of her labor and fertility within her kin group.

CEDAW The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

<http://www.un.org/womenwatch/daw/cedaw>

Code of honour is a set of rules or principles governing a community that defines what constitutes honourable behavior within that community. The use of an honour code depends on the idea that people (at least within the community) can be trusted to act honourably. Those who are in violation of the honour code can be subject to various sanctions including expulsion from the institution and death.

Crime of passion in popular usage refers to a crime in which the perpetrator commits a crime, especially assault or murder, against a spouse or other loved one because of sudden strong impulse such as a jealous rage or heartbreak rather than as a premeditated crime. Unlike honour killing crimes of passion are normally individual acts, and concern sexual access rather than reproductive rights. Under several legal codes crimes of passion are not considered a capital offence on the grounds that the perpetrator was unbearable provoked.

Dowry: property or money brought by a bride to her husband on their marriage. Often regarded as the woman's share of the patrilineal estate, which may give her some measure of economic independence in her husband's home. This practice was made illegal in India in 1961 but still continues.

Dowry death: occurs when a woman's family is unable to fulfil the dowry obligations she may be killed by her husband's family whose expectations are disappointed.

Female Foeticide: the systematic induced abortion of female fetuses in societies with strong preference for sons. In some societies the heavy burden of finding the dowry for daughters is thought to increase the incidence of selective abortion of female fetuses, and to be a factor in female infanticide.

Female Genital Mutilation (FGM) is the partial or total removal of the external female genitalia or other injury to the female genitalia for cultural, religious or other non-therapeutic reasons.

Gender: the totality of ideas and actions that combine to create social identity in individuals. A concept that refers to social differences as opposed to biological differences between men and women. These are changeable over time and have wide variations both within and between cultures.

Gender-based Violence (GBV) is violence arising out of an imbalance of power based on gender differences.

Gender inequality can be summarized as unequal access to and control over the various material and non-material resources and assets of a society.

Hadith (Arabic) are the recorded sayings of the Prophet, sifted, validated and prioritized by early Muslim scholars and an important part of the sunnah which is the established corpus of what the Prophet said, did, agreed to or condemned.

Harmful Traditional Practices (HTP) are those social and cultural practices regarded as detrimental to individual well-being (usually associated with well-being of women and/or children) though rooted in tradition. HTP include FGM, honour killing, female foeticide, early marriage, nutritional and other practices associated with pregnancy and childbirth.

Honour crimes is a term which includes honour killings but also other violence committed against women such as battering, acid-throwing, rape etc

Honour killing is the practice whereby (a) male family member(s) kill(s) a female relative when that female relative has been considered to have brought dishonour to the family, often through sexual activity or appearance or suspicion of sexual activity deemed inappropriate. The killing of the alleged offending individual restores honour to the collective family unit. The killing is planned and premeditated by members of the group both male and female. The male(s), who engaged in the sexual activity with the target of the crime which might have been a rape, pre-marital sex, or relations with members of external ethnic groups, in general are not adversely affected except under the karo-kari system in Pakistan. In societies where it is practiced honour killing is not defined as murder.

Honour suicide occurs when in an effort to avoid legal penalties for a killing, a woman is ordered or pressured into killing herself. The practice of “sati” or widow burning in parts of India and South Asia whereby the deceased man’s widow immolates herself on the funeral pyre is sometimes regarded as a form of honour suicide.

Intersectionality: multiple discrimination where dimensions such as gender, class, ethnicity and age determine the status and power of the individual.

Karo-kari is the term for honour killing in Pakistan. Whilst the victims are overwhelmingly female tradition dictates that the male involved in the offence should face death as well. However the accused women are killed first giving the men a chance to flee. Targeted men can usually escape death by paying compensation to the family of the victim leading to what has been described as an “honour killing industry” involving police and other authorities and mediators. There are also many reports of murders unconnected with honour issues being disguised by the killing by the murderer, of a woman of his own family in order to disguise the initial murder as the consequence of an honour killing.

National Women’s Machinery (NWM)

Special body established to coordinate gender and women’s issues. NWMs may be composed of both governmental and non-governmental institutions. Most NWMs are responsible for reporting on CEDAW.

Patriarchy: a form of social organization in which the father or eldest male is the head of the family and descent is reckoned through the male line. A system whereby power both in public and in private spheres lies with men, and women are in a subordinate position.

Patriarchal violence is violence rooted in the patriarchal power structures it defends.

Sati (Hindu)/Suttee (Anglo-Indian) refers to the woman burned alive, a now popularly to the act of immolation itself. “Sati” means literally “a good woman” i.e. in immolating herself she has become a good woman.

Shame is a feeling of humiliation or distress caused by awareness of wrong or foolish behaviour; loss of respect or esteem.

References and Resources

Becker, J.N. *Crimes of Honour: Women's Rights and International Human Rights Law*

– School of International Training, International Studies, Geneva Switzerland, 2004
http://www.sit-edu-geneva.ch/crimes_of_honor.htm

EC-Toolkit on Mainstreaming Gender Equality in EC Development Cooperation
EC European Cooperation Office, European Communities 2004

ENOG –European Network of Ombudspersons for Children
<http://www.crin.org/enog/resources/infoDetail.asp?ID=9496&flag=news>

Gendercide Watch: cases of honour killings from the Balkans Jordan, Pakistan, Palestine/Israel.
http://www.gendercide.org/case_honour.html

Government Offices of Sweden, *Patriarchal Violence –an attack on human security*. 2006

International Campaign Against Honour Killings (ICAHK): international campaign, articles and cases
<http://stophonourkillings.com/>

Luopa, K. *State Responses to Honour Killings*
<http://www.abo.fi/instut/imr/norfa/Katja%20Luopa%20killings.pdf>

Karl, M., *Women and Empowerment* Zed Books Ltd. London and New Jersey, 1995

Madre Website: discussion and articles
<http://www.madre.org/articles/int/honourcrimes.html>

Reports and Directives of the European Parliament
<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2005-0175&language=EN&mode=XML>

Sev'er A. & G. Yurdakul *Culture of Honour, Culture of Change: a Feminist Analysis of Honour Killing in Rural Turkey*, London, 2004

Tomasevski, K., *Women and Human Rights* Zed Books Ltd London & New Jersey 1995

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
www.un.womenstreaty.org

Young, A., *Women Who Become Men: Albanian Sworn Virgins* Berg, Oxford, 2000