

Honour Killing: A Global View

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“In the area of violence against women, human rights ideas are powerful precisely because they offer a radical break from the view that violence is natural and inevitable in intimate relations between men and women. Defined as human rights violation, gender violence becomes a crime against the state that the state must punish.”

- Salle Engle Merry

An Honor Killing also called customary killing is the murder of a typically female family or clan member by one or more fellow mostly male family members, in which the perpetrators and potentially the wider community believe the victim to have brought dishonor upon the family, clan or community. Human Rights Watch defines ‘honor killing’ as follows: ‘Honor killings’ are acts of violence, usually murder committed by male family members against female family members, who are held to have brought dishonor upon the family.

‘Honor killings’ take place in many states, for example, the United Nations Special Rapporteur on extrajudicial, summary and arbitrary executions and the Special Rapporteur on violence against women have received reports from Bangladesh, Brazil, Ecuador, Egypt, France, Germany, India, Iran, Israel, Italy, Jordan, Lebanon, Morocco, Pakistan, Syria, Sweden, Turkey, Uganda, the UK and Yemen¹. ‘Honor killings’ have also taken place in the USA and Australia. It seems, however, that honor killings are most prevalent in the Middle East and South Asia. The reporting of the main human rights NGOs (Amnesty International, Human Rights Watch) is concentrated on Pakistan and Jordan. Also the research on ‘honor killings’ has mainly focused on these two countries. National NGOs in countries such as Jordan, Israel, Pakistan and Turkey have been very active in their campaign against ‘honor killings’ and some national NGOs have taken up honor killings elsewhere. As ‘honor killings’ largely remain a private family affair, it is hard to obtain reliable official statistical data on ‘honor killings’ and thus it is difficult to collect accurate data on the occurrence of ‘honor killings’ in a given country. Therefore it must be emphasized that just because there are no reports on ‘honor killings’ in a country, it

does not mean that they do not occur. For example, reportedly around 400 women were killed for reasons of honor in Yemen in 1997, indicating that 'honor killings' are a serious problem; despite that, one rarely reads about 'honor killings' in Yemen. Particularly, one must bear in mind that in certain very closed societies where NGOs are almost non-existent and where the (freedom of) press is very restricted, there are no bodies that would report cases of 'honor killings'. Hundreds, if not thousands, of women are killed by their families each year in the name of 'honor'. It's difficult to get precise numbers on the phenomenon of 'honor killing'; the killings frequently go unreported, the perpetrators unpunished, and the concept of honor justifies the act in the eyes of some societies. Most 'honor killings' occur in countries where the concept of women as a vessel of the honor predominates, said Marsha Freeman, director of International Women's Rights Action Watch at the Hubert Humphrey Institute of Public Affairs at the University of Minnesota. 'Honor killing' is considered to be "a crime that threatens the unity and harmony of the community, and it acts as a barrier preventing women from progressing in their lives"². The reports of the Special Rapporteur concerning cultural practices submitted to the United Nations Commission on Human Rights show that 'honor killings' have occurred in Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, and Uganda. In countries not submitting reports to the UN, the practice was condoned under the rule of the fundamentalist Taliban government in Afghanistan, and has been reported in Iraq and Iran. But while 'honor killings' have elicited considerable attention and outrage, human rights activists argue that they should be regarded as part of a much larger problem of violence against women³. Recently, there have been a spate of 'honor killings' in India and this has led the government to take a stand on what law can be put in place to stop this heinous crime.

The latest cases of 'honor killing' was reported, when Bhavana Yadav a 21 year old student of Venkateshwara College, was allegedly murdered by her family because she had married a boy from another caste. One lady named Deepti Chikara was killed by her brother and uncle as she married a man who was from a different caste, a man bludgeoned his 18 year daughter to death over her hanging out with boys and spending time in malls and a girl, Vimla (20) was murdered by her father and a guard named Robin, after they found 28 year old Hari from Jalandhar and Vimla lying in a compromising position in an under construction building in New Friends Colony⁴. Crimes of passion, which are treated extremely leniently in Latin America, are the same thing with a different name, some rights advocates say. "In countries where Islam is practiced, they're called 'honor killings', but dowry deaths and so-called crimes of passion have a similar dynamic in that the women are killed by male family members and the crimes are perceived as excusable or understandable," members and the crimes are perceived as excusable or understandable," said Widney Brown, advocacy director for Human Rights Watch. The practice, she said, "goes across cultures and across religions"⁵.

Complicity by other women in the family and the community strengthens the concept of women as property and the perception that violence against family members is a family and not a judicial issue. "Females in the family—mothers,

mother-in-laws, sisters, and cousins—frequently support the attacks. It's a community mentality," said Zaynab Nawaz, a program assistant for women's human rights at Amnesty International. In April 1999 29-year old Samia Sarwar was shot dead in Lahore, Pakistan, apparently because of her attempt to divorce a severely abusive husband, which was seen as bringing shame on the family. Samia had fled her home a month earlier to seek refuge in a women's shelter. Her mother's car driver shot her on the request of her mother in the presence of her lawyers. A police report was filed but no one has yet been arrested for the murder⁶.

In March 1999 16 year-old Lal Jamilla Mandokhel was reportedly raped by a junior clerk in the local government department of agriculture in Parachinar, the North West Frontier Province of Pakistan. The mentally handicapped girl's uncle filed a complaint about the rape with the police. The police took her to protective custody but subsequently handed her over to her tribe. A jirga, tribal council, decided that the girl had brought shame on her tribe and that the defiled honor could only be restored by her death. Lal Jamilla was shot dead in front of a tribal gathering. In Pakistan 300-1000 women are killed in the name of honor every year⁷. In Jordan, an average of 25-40 women are killed each year in the name of honor and honor protection is the motive for 55% of the cases of violence against women in Jordan. Approximately 26% of all crimes in Jordan are honor crimes⁸. In a recent case a 24 year-old woman was found stabbed to death and burned in the Jordan valley. Her brothers had reportedly killed her because she allegedly allowed her younger sister to meet her lover in her house. Her brothers later confessed killing their sister in the name of honor. The younger sister is kept in jail in protective custody. In another case a 30-year old man served a six-month prison term for stabbing his younger sister to death for reasons of honor. The charges of premeditated murder were reduced to misdemeanor by the Criminal Court because of the victim's "unlawful and dangerous acts", as stipulated by Article 98 of the Jordanian Criminal Code⁹.

Honor killings-A Violation of Women's Human Rights

'Honor killings' are a form of intra-family violence, where women, who are seen as the repositories of the man's or family's honor, and as such must guard their virginity and chastity, are killed, usually by their male relatives, because they are seen to have defiled the honor and must be killed in order to restore it. Usually women are the victims of honor killings but also men may be killed in the name of honor. 'Honor killings' originate in the ancient customs that have been incorporated into many cultures. According to such tribal custom the woman is the repository of her family's honor and honor is closely related to respect and standing in society¹⁰. For example, in Pakistan, women are seen to embody the honor of "the men to whom they belong". By being perceived as having entered into a 'illicit' relationship, or otherwise behaved in an 'inappropriate manner' they are seen as having defiled her guardian's and family's honor. A man's ability to protect his honor is judged by his family and neighbours. Therefore he must publicly demonstrate his power to safeguard his honor by killing those who have damaged it and thereby restore it. Consequently, 'honor killings' are often performed openly, as, for example, in the cases of Samia Sarwar

and Lal Jamilla Mandokhel, mentioned above. The another motive for ‘honor killings’ is covering up shameful incidents, such as extramarital relationships, rape, incest or other sexual abuse. For example, according to tribal principles of Palestinian society any such “scandals” must be concealed or mitigated in accordance with the principles of sutra and dabdabeh, e.g., by means of forced marriage or ultimately, by killing the woman concerned.

The understanding of what behaviour defiles honor varies and has become very loose in some societies. Sometimes rumour, belief or insinuation are enough to defile honor¹¹. As illustrated by the cases above ‘honor killings’ take various forms and are committed for various different reasons. ‘Honor killings’ are usually resorted to when a woman is believed to have engaged in a sexual relationship outside marriage. Also rape victims may be killed in the name of honor – the consent or lack of it is seen as irrelevant to the question of lost honor. Women have also reportedly been killed in the name of honor for expressing a desire to choose a spouse of their choice, marrying against the will of their families and for demanding divorce from their husbands. Furthermore, in some countries, most notably Pakistan, also so called fake honor killings are reported. The kari-karo tradition in certain areas of Pakistan and the system of compensation to the man who has lost his honor provide opportunities to make money or to conceal other crimes. Some have even spoken about a ‘honor killing industry’. For example, there are several reports about men who have killed other men for reasons not connected with honor issues and who subsequently killed a woman of their own family as an alleged kari in order frame the initial murder as an ‘honor killing’. It has been argued that the ‘honour killings industry’ turns the honor code on its head and indicates its degeneration.

Honor crimes are a wider category including ‘honor killings’ but also other violence committed against women (battering, acid throwing, rape, etc.) in the name of honor. The following case from Pakistan may serve as a tragic example of an honor crime. An 18 year-old girl was gang-raped by four men after a local tribal council (panchayat) had ordered them to do so to punish the girl’s family after her 11 year-old brother had been seen walking (unchaperoned) with a girl from a higher tribal caste because this was seen as an insult to the tribe’s collective dignity. Reportedly four men who then took her into a hut where they took dragged the girl out of the public meeting turns in raping her while hundreds of people stood outside. Afterwards she was forced to walk home naked in front of hundreds of onlookers¹². Honor crimes may be human rights violations in the same way as honor killings, but rape, for example, raises issues as to the prohibition against torture and inhuman treatment whereas honor killings are mainly right to life issues. It has been argued that the social function of honor crimes has changed as a reaction to the changed society, changed perceptions of what is honorable and dishonorable behaviour and changed sexual practices¹³. There are also reports from Pakistan stating that the number of ‘honor killings’ is increasing. No doubt, media coverage of ‘honor killings’ has increased in recent years giving rise to increased numbers of reported crimes. However, reportedly, the actual number of crimes has risen as well, as has apparently the sense of righteousness manifested in the manner the killings are committed, publicly, in broad daylight.

Several reasons have been given for such an increase. Many men resent the exposure of women to the outside world, and their increased self-confidence. At the same time particularly young women are increasingly more aware of their rights. Similarly, in Palestine, tribal leaders reportedly perceive participation of women in work outside the home, women's increased freedom and economic power as having contributed to changes in social roles, away from traditional Arab and Islamic values, and thus as the reason for moral decay. Tribal leaders have proposed that a return to traditional roles for men and women, prohibiting work for women outside the home, early marriage, polygamy and a prohibition of mixing of sexes would be the best way to prevent 'honor killings'¹⁴. The increased occurrence of 'honor killings' can thus be seen as a reactionary trend, or so-called "reactive culturalism". An additional aspect of the problem is 'honor killings' that occur amongst immigrant communities in societies where honor killings traditionally do not exist. In these cases the dishonoring behaviour that the victims are guilty of is often adaptation to the culture of the majority, which is seen as unacceptable by the woman's family. It has even been claimed that the risk of becoming a victim of 'honor killing' is higher in certain immigrant communities in the west than it is in the countries where those immigrants come from.

The Term Honour Killing and the Motivations Behind It

When discussing 'honor killings' as a violation of international human rights law it must be established what is meant by the term honor and what the implications of use of such terms are. Even though crimes of passion and crimes of honor are put together in the same category of human rights abuses in certain UN resolutions, these crimes do differ. The point where they differ is the rationale of the crime and the underlying perceptions of honor and passion.

The understanding of honor varies from culture to culture and language to language. For example, according to Cambridge Advanced Learners Dictionary the English word 'honor' stands for a "quality that combines respect, pride and honesty." In the traditional Greek mountain communities honor referred in some contexts to pride, respect or esteem, and in others honor indicated certain qualities on which the reputation of a group or an individual depends, and more specifically honor referred to the sexual virtue of a woman. Honor expressed the idea of worth, whether this was an economic value or social worth and integrity¹⁵. In the Turkish language honor has many meanings ranging from a quality derived from achieved status (seref) and generosity towards others (izzet) to certain physical and moral qualities that women ought to have (namus)¹⁶. Honor has been and still is a gendered term both in western and non-western cultures. Further, the honor (or rather shame) of women and the loss of such honor implicate the honor of men. For example, the principle of honor in the traditional Greek mountain communities included qualities that distinguished between the ideal moral character of men and women; the manliness of men and the sexual shame of women. If a woman was dishonored, 'soiled', she marked with her dishonor all those who were close to her through kinship or marriage. Honor and shame can be seen as parallel concepts, honor being masculine, shame feminine; not opposites. Also

the Turkish understanding of honor distinguishes between words for the term honor that are gender neutral in application, or that apply only to women (*namus*) or men (*seref*). Honor can be described as a collective understanding of the relationship of several men towards one woman, where the men are obliged to defend their public image of their masculinity that in turn is embodied in the chastity and virginity of the woman. The societies where 'honor killings' occur are characterized by the existence of codes of honor, that is, sets of rules that specify what is and what is not honor. In accordance with such rules honor can both be won and lost. It is the idea that honor can be lost that is central in the rationale behind 'honor killings'.

In codes of honor, honor relates to the outside world's view of a person, a person's reputation. A person's honor is dependant on the behavior of others and that behavior must therefore be controlled. Honor is about a right to respect, in the sense of claim for respect. The community has a duty to respect a person, so far as the code of honor is followed. If the code of honor is breached, the person (and his family) loses his honor. The lost honor becomes a reality only when it is made public. Consequently, honor killings are highly unlikely unless the transgression becomes known in the community. Thus the ideas of honor and lost honor are based on the notion of justification of collective injury, the emphasis is on the nature of the act, not the actor (perpetrator of the crime). What is crucial is the 'dishonourability' of the victim¹⁷. By contrast, passion exists in a private relationship between a man and a woman. The idea of passion excludes all men who are not or cannot be sexually involved with a woman (fathers, sons, brothers). The issue at stake is more passionate jealousy than violated masculinity. The idea of passion is based on the notion of excuses. Here the actors are excused, not the acts. To summarize, "honor is based on ideas of kin, status, honor and collectively, while passion is based on ideas of individualism, romantic fusion, and sexual jealousy". Therefore in 'honor-cultures' the women who get killed are daughters, sisters and mothers, while in 'passion-cultures' it is wives, ex-wives and girl friends that are the victims of murder and other crimes. To somewhat simplify the issue: the results of 'crimes of honor' and 'crimes of passion' are the same – but the reasons are different. Thus Abu-Odeh points out, crimes of honor occur in the "East", crimes of passion in the "West". It has, however, been argued that the conception of honor in Europe in the Middle Ages was not very much unlike the understanding of honor and honor codes of the contemporary Middle East and South Asia. According to such views the "European" honor concept started to focus on the inner aspects, such as personal integrity, of honor during the 16th and 17th centuries. Thus, it has been argued that the locus of honor in the west has shifted from the traditional extended family to the individual man due to the increasing role of individualism and the nuclear family. Therefore, it may be that an honor rationale underlies also so called killings in the name of passion in the west¹⁸.

In India "honor killings", are widespread in some of the economically advanced States. Perpetrated under the garb of saving the "honor" of the community, caste or family, such incidents occur often. The acts of violence include public lynching of couples, murder of either the man or the woman concerned, murder made

to appear as suicide, public beatings, humiliation, blackening of the face, social boycotts and the levying of fines.

The largest number of cases was found to have occurred in Punjab, Haryana and Uttar Pradesh - most of the incidents reported at the convention took place in these three States. One reason for the increased visibility of such crimes is the trend of more and more girls joining educational institutions, meeting others from different backgrounds and castes and establishing relationships beyond the confines of caste and community. Such individuals, both boys and girls, are being targeted so that none dares to breach the barriers of castes and communities. Significantly, in the majority of cases it is the economically and socially dominant castes that organize, instigate and abet such acts of retribution.

In Muzaffarnagar district in western Uttar Pradesh, at least 13 honor killings occurred within nine months in 2003. In 2002, while 10 such killings were reported, 35 couples were declared missing. It is estimated that Haryana and Punjab alone account for 10 per cent of all honor killings in the country. It is not surprising that no such category of crime exists in government records. In fact, there is refusal even to recognize this phenomenon. Data for such incidents are seldom available and they would mostly be classified under the category of general crimes. Moreover, most of such cases go unreported and, even when reported, often first information reports are not filed and post-mortems are not conducted. Caste councils have come to play an increasingly important role in Haryana and elsewhere, especially in situations where political patronage also exists. Central to the theme of honor and violence is the subordinate position of girls and women in all castes and communities. A woman's chastity is the "honor" of the community and she has no sovereign right over her body at any point of her life. The retribution is particularly swift and brutal if she crosses caste and class barriers to choose a lower-caste man as her partner.

When moving to the discussion on 'honor killings' on the international human rights agenda, the question is should only (the "eastern") honor killings be dealt with as a human rights violation, or should also (the "western") 'crimes of passion' be included? When it comes to considering any violence committed by private actors as a human rights abuse, the central consideration must always be whether these acts are in any way condoned by the state or whether the state in any other way fails to protect the fundamental human rights of the victims of such abuses. Therefore, this paper will use the terminology adopted by the UN Special Rapporteur on extra judicial, summary and arbitrary executions and thus covers all "killings committed in the name of passion or in the name of honor" but will use the expression honor killings for reasons of expediency. Despite this it is important to bear in mind the different nature of 'honor' killings and 'passion' killings, as understanding that difference will help the reader to understand the rationale of the acts of the perpetrators as well as the conduct of police officials, judges and legislators, as members of the community they live in. Because most of the available material is concerned only with 'honor killings' also this paper does concentrate on that issue. Also, it seems that most of the cases where there is impunity are indeed motivated by reasons of honor, not passion. Despite this fact the arguments in this study do apply to both killings committed in the name of honor and killings committed in the name of passion.

It should also be noted that some objections have been made as to the use of the term ‘honor’ at all in the context of honor killings, for example, the word “femicide” has been advocated by some as a better alternative. Others have spoken about “so called honor killings” or “shame killings”¹⁹ as UN Secretary-General Kofi Annan has preferred to call the practice. Such statements seem to express a wish to de-link the term ‘honor’ from violence and murder. However, as was discussed above, ‘honor’ is a very complex concept and codes of honor prescribe various forms of conduct, including in extreme cases, killings committed in the name of honor – not in the name of shame or “so called honor”.

Laws on Honour Killing

The concept of honour crimes is a complex legal issue. Defendants in Western criminal courts tend to justify their acts in form of customary norms and moral conformity (of the woman). They seek mitigation on the grounds that the murder was committed as a consequence of the need to defend or protect the honour of the family. The doctrine of *habeas corpus* certainly does not exist in Islamist societies; therefore, a woman’s right to liberty is not guaranteed. Honour crimes do not specifically feature in criminal legislation of countries that sanction or tolerate such crimes (eg, Pakistan, Jordan or Turkey). Sharia law does not specifically mention honour killing and Islam does not support the death penalty for misconduct related to honour²⁰. Yet, Sharia law prescribes severe punishments for *zina* (extramarital sex) where certain cultures (eg, Northern Nigeria) still recommend that premarital sex should be punished by up to 100 lashes, and adultery is penalized with lethal stoning – in itself not considered as “honour killing”. Islamic courts tend to deal rather leniently with bail applications.

Pakistani courts, for instance, tend to find “extenuating circumstances” in honour killings, setting the threshold on provocation as very low²¹. Usually, the defence of provocation succeeds, and defendants are acquitted if they can prove that the woman in question brought an “assault on a family member’s manhood”. In December 2004, Pakistan’s Senate approved a Bill which was to strengthen the law against honour killings. The Bill proposed that the death penalty was to be the maximum punishment for crimes in which victims are killed if judged to have brought dishonour on the family. Zobaida Jalal, Pakistan’s only woman cabinet minister at the time, stated that the Bill would not go far enough to protect female victims and the defence of provocation would remain where the woman was perceived to blemish her family’s tribal honour.

The Jordanian Penal Code specifically accepts that the “purifying” of a wrong to a tribe is necessary²². Honour killings rarely reach the courts and if they do, sentences average six months (usually involving the brother or father of the victim). In spite of Jordan’s Queen Rania’s campaign against honour crimes in her country, the Jordanian Parliament overwhelmingly rejected proposed legislation to outlaw honour killings in October 2004²³. This was the second time that harsher punishment legislation had been proposed, but conservative Islamists once again opposed the Bill, stating that the proposed new legislation would “encourage vice and destroy social order”. Until June 2005, local Turkish Judges had the power to hand down reduced

sentences to a small number of honour killers who were caught. However, since the introduction of a new Turkish Penal Code, designed to conform to EU law, honour killings have been recategorized as murder with a life sentence attached²⁴. The main problem for law enforcement agencies and legislators in Western jurisdictions, where honour killings occur, is that their criminal law requires the punishment of the perpetrator. The offenders on the other hand, seek a defence and mitigation in their cultural tradition. This leaves Western European law enforcement agencies largely ignorant of dealing with the problem occurring on their territories. Whilst Muslim-dominated states condone honour killings, such crimes fall within the criminal codes governing homicide or serious offences against the person (eg, grievous bodily harm with intent under s.18 Offences Against the Person Act 1861).

There have been 12 reported honour killings in the UK since 2000, but to date, only a few perpetrators have been prosecuted. In 2003, London's Metropolitan Police set up a specialist task force unit to investigate honour killings. We have learnt that British police forces are now reinvestigating some 109 cases of women who either disappeared or were said to have committed suicide, and estimate that there might be one honour crime per month. The cases mostly concern young British citizens who have been brought up as third or fourth generation youngsters in the UK, trapped in a traditional family who originally migrated from Asia or the Middle East.

Honour crimes are permitted the defence of "extreme provocation"; if successful, the defendant will be acquitted or receive a lenient sentence. According to Turkish Criminal Code Article 453 permits a reduction in any sentence when an illegitimate baby is killed immediately after birth. Article 463 reduces imprisonment by one-eighth when a killing was carried out immediately before, during or immediately after a situation of anticipated adultery or fornication.

One of the most publicized cases of honour killings was that of 16-year-old Heshu Yones from a Kurdish family in London. In 2002, Heshu's father Abdullah set about killing his daughter in her bathroom by attacking her with a kitchen knife, stabbing her eleven times with such ferocity that the floor was slippery with her blood. Though Yones attempted suicide after the murder, he eventually stood trial in 2003. At his trial, Abdullah Yones stated in his defence that he felt provoked by Heshu's Western-style dress and Christian boyfriend. Other defence statements included that he was "forced to kill" because Heshu had put her father in an "untenable position" by bringing a "stain" on the family honour. The words spoken by Judge Denison's QC when sentencing Yones to life imprisonment are worth noting:

"The killing and the manner of it was an appalling act. This is in any view a tragic story arising out of irreconcilable cultural difficulties between traditional Kurdish values and the values of Western society. It's plain that you strongly and genuinely disapproved of the lifestyle in this country of your daughter but it must not be an excuse to kill."²⁵

All forms of gender based violence, "crimes of honour" deprive women of the right to life, liberty and security of person, the right to be free from torture or cruel, inhuman or degrading treatment or punishment, right to equality in the family and the right to the highest attainable standard of physical and mental health. In the broader context of patriarchal principles motivating "crimes of honour", India is obligated as a

state party to ensure that all discrimination against women in matters relating to marriage and family relations are eliminated, providing them with the same right to enter into marriage and to freely choose a spouse and to enter into marriage only with their free and full consent. This includes ensuring that informal decision making bodies operating on customary laws, such as the khap panchayat, are refrained from enforcing their dicta, and interfering with the right of women to choose their spouse.

India, as a state party to CEDAW has the legally binding obligation to “eliminate discrimination against women by any person, organization or enterprise,” as enumerated in article 2e. State parties have to take appropriate measures to eliminate prejudices and customary practices, such as “crimes of honour”, “which are based on the idea of the inferiority or the superiority of either of the sexes,” as enumerated in article 2e. Creating statutes that criminalize the different types of acts that fall within the ambit of “crimes of honour”, while essential, is certainly not adequate if there is no systematic enforcement of the statutes. Active prosecutions are one of the means to achieve the practical realization of eliminating discriminatory principles such as “crimes of honour”, in order to ensure that state parties meet their obligations to “take all appropriate measures to eliminate discrimination against women [article 2]. Taking preventative measures, such as promoting gender sensitization and initiatives on combating dated patriarchal notions, are also necessary to eliminate discrimination against women²⁶.

Conclusion

Whilst honour crimes are increasingly occurring in they are often compounded by state ignorance and indifference by law enforcement agencies or the courts. Though honour killings have been a culturally and legally accepted phenomenon in countries like India, Turkey, Jordan or Pakistan, it should not mean that such horrendous murders ought to be given the benign treatment.

The perpetrators who have appeared in courts have repeatedly tried to justify their actions on various grounds. Therefore, when dealing with honour crimes courts should regard these as an “aggravating (rather than a mitigating) factor”; under no circumstance should a trial Judge permit a form of “cultural” or “religious” defence. The prosecution should adopt a “zero tolerance” attitude, and a trial Judge should direct a jury as is normal in the case of murder; Religion or culture should not be used as a form or judicial excuse in form of a legal defence of provocation in such killings.

Law enforcement agencies should receive respective training over and above domestic violence issues, reflecting an obligation towards women from different ethnic origins where honour killings are prominent. Criminal law enforcement agencies should ensure that honour crimes are effectively and sensitively investigated. The Courts should not accept “honour” in mitigation, or as a justifiable motive of such crimes. Above all, the community at large needs to get involved in order to increase public awareness of violence against women in the name of honour. We should at least acknowledge that the culture surrounding honour crimes is complex and that recognising early warning signs will be the first step towards saving lives. It should not be permitted that the cultural defence becomes an accepted norm in

criminal courts. Active policing and serious penal sanctions is the only antidote to this most dishonourable practice. Attempts to mitigate honour crimes on the grounds of custom and tradition serve only to perpetuate the crime.

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20. URSULA SMARTT, *JUSTICE of the PEACE, Volume 170*
21. Section 300(1) of the Pakistani Penal Code of 1990 reads: “Culpable homicide is to murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation.”
22. Honour killings are permitted under Jordanian Law (Arts. 98; 340); such killings are commonly carried out by a brother or father of the victim.
23. In August 2004, the Upper House, the Jordanian Senate, had upheld both Bills, after they were rejected by the Lower House. In October 2004, both Bills were rejected. Only an intervention by the Jordanian monarch, King Abdullah, would ensure such a law to come into effect now.
24. According to the Turkish Criminal Code, the punishment for first-degree murder is 24 years. If murder is committed by a family member, the punishment may be life imprisonment without parole.
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