

**Roundtable on Strategies to Address
'Crimes of Honour':
Summary Report**

CIMEL / Interights

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Roundtable on strategies to address ‘Crimes of Honour’ Summary Report

A Roundtable on Strategies to Address ‘Honour Crimes’ was held in London from 12-13 November 1999. It was jointly organised by the Centre for Islamic and Middle Eastern Law (CIMEL) at the School of Oriental and African Studies at London University and by INTERIGHTS, the International Centre for the Legal Protection of Human Rights, under the auspices of the CIMEL / INTERIGHTS ‘Honour Crimes’ Project.¹ Participants included some twenty scholars, lawyers, journalists and human rights advocates, working domestically in the UK and countries of South Asia and the Middle East, and/or internationally.² This report was compiled on the basis of discussions at the Roundtable and edited for publication by Lynn Welchman. Particular thanks for contributions to the editing process are due to Sara Hossain, and to Samia Bano, Vanessa Gosselin and Emma

1 The Project is jointly coordinated by Lynn Welchman, Director of CIMEL and Sara Hossain, Legal Officer (South Asia) at INTERIGHTS, in consultation with Prof. Abdullahi An Na'im of the Emory School of Law, and with research assistance from Samia Bano, Ph.D. Candidate, Warwick University. Administrative support for the meeting was provided by Lisa Finch, Programme Assistant, INTERIGHTS, and by Fouzia Khan and Keetha Singham, volunteers at INTERIGHTS. The Project is funded by the Ford Foundation.

2 Participants included: Abdullahi An-Na'im (Emory University School of Law); Samia Bano (CIMEL; Warwick University); Stephanie Farrior (at the time, Director of the Legal Office, Amnesty International, London); Leyla Gulcur (Senior Programme Officer, International Women's Health Coalition, New York); Sara Hossain (INTERIGHTS); Shamshad Hussain (Manningham Housing Association, Bradford); Rana Hussein (Jordan Times journalist, Amman); Isis Nusair (Human Rights Watch/Women's Rights Division, Washington DC); Gulsah Seral (Women for Women's Human Rights, Istanbul); Asma Jahangir (Advocate, Supreme Court of Pakistan, and UN Special Rapporteur on extrajudicial, summary or arbitrary executions); Pragna Patel (Southall Black Sisters, London); Angelika Pathak (Amnesty International); Emma Playfair (INTERIGHTS); Asad Rehman (Amnesty International UK); Purna Sen (Director, CHANGE, and Visiting Research Fellow, LSE); Nafisa Shah (journalist and researcher, Wolfson College, Oxford); Nadera Shalhoub-Kevorkian (Women's Centre for Legal Aid and Counselling, Jerusalem; and Hebrew University); Hannana Siddiqui (Coordinator, Southall Black Sisters, London); Aida Touma Sliman (Women Against Violence, Nazareth); Sohail Warraich (Shirket Gah, Lahore); Lynn Welchman (CIMEL). As the discussions at the meeting were expected to be preliminary and exploratory in nature, no attempt was made to involve participants representing the full range of those working on combating 'honour crimes' or able to comment comprehensively on the range of manifestations. Observers at the meeting included staffers from the Office of the United Nations High Commissioner for Human Rights.

Playfair. Thanks are also due to the following participants for helpful comments and feedback: Stephanie Farrior, Leyla Gulcur, Nadera Shalhoub-Kevorkian, Purna Sen, Gulsah Seral, and Sohail Warraich; and to the participants as a group for agreeing to the publication of this summary report based on their contributions at the meeting.

Background to the CIMEL/INTERIGHTS Project on Strategies of Response to ‘Crimes of Honour’

The Project was initiated in response to the reports of the murders of Samia Sarwar in Pakistan and Rukhsana Naz in the UK in early 1999 and the explicit articulation of an ‘honour’-based defence by the alleged perpetrators in each case.³ The Project is premised on a loose definition of ‘honour crimes’ as patterns of conduct cutting across communities, cultures, religions and nations and manifested in a range of forms of violence directed, in the majority of cases, against women, including murder (‘honour killings’) and forced marriage. When the meeting was held, the following activities were also being undertaken as part of the Project:

- a) Preparation of an Annotated Bibliography on ‘Crimes of Honour’, comprising of materials (mostly in English) drawn from different regions including books, articles, and cases;⁴
- b) Preparation of a list of statutory provisions relevant to crimes of ‘honour’ in the penal codes of certain states in the Middle East and North Africa;
- c) Preparation of a list of relevant international human rights law provisions;

³ In April 1999, Samia Sarwar was shot and murdered by a man accompanying her mother in the chambers of her lawyer, Hina Jilani, in Lahore, where she had gone to meet with her mother and uncle at their request. Samia’s decision to obtain a divorce and to marry a man of her choice was not accepted by her family. See pages 19-22 in the Amnesty International Report on Pakistan cited below (note 7). In May 1999, Rukhsana Naz’s mother and brother were convicted of her murder in Nottingham, after arguing in their defence that their honour had been violated by her decision to refuse a forced abortion following her relationship with a man against their will. S. Hall, ‘Life for ‘honour’ killing of pregnant teenager by mother and brother’ *The Guardian* 26 May 1999.

⁴ The Bibliography has been made available on the Internet by the International Women’s Health Coalition, at <http://www.iwhc.org/bibliointro.html>

- d) Identification of the scope and manifestations of 'crimes of honour' and of the range of initiatives to address these globally; and
- e) Commissioning of a study from Southall Black Sisters, UK, documenting and analyzing their casework on forced marriage as a 'crime of honour.'⁵

Over the course of the months preceding the meeting, several other initiatives had been taken nationally, regionally, and internationally to address 'honour crimes.' These included:

- a) The launch of the Jordanian National Campaign against 'honour killings;'
- b) The establishment by the British Home Office of a Working Party on Forced Marriages and increased attention to the issue of forced marriage in the UK press;⁶
- c) The publication of Amnesty International's report on 'honour killings' in Pakistan;⁷
- d) The publication of Human Rights Watch's report⁸ on violence against women in Pakistan, including 'crimes of honour,' and the organisation's advocacy in support of the Jordanian national campaign;
- e) The broadcast of the documentary Murder in Purdah / In the Name of Honour on 'honour crimes' and violence against women in Pakistan, on BBC/BBC World and ABC Nightline in the USA respectively;
- f) The launch of the International Network For the Rights of Female Victims of Violence in Pakistan (INRFVVP), initiated by Dr. Riffat Hassan, from Louisville, Kentucky, USA;

5 A preliminary paper, 'Forced Marriage: A Crime of Honour', was produced in July 2000 by Hannana Siddiqui of SBS.

6 A Choice By Right, the report of the working group on forced marriage, was published in June 2000 by the UK Home Office Communications Directorate.

7 Amnesty International, Pakistan: Violence against Women in the Name of Honour, 22 September 1999, AI Index: ASA 33/17/99.

8 Human Rights Watch, Crime or Custom? Violence Against Women in Pakistan, New York: Human Rights Watch, August 1999. The Women's Rights Division of Human Rights Watch, which prepared this report, had previously investigated the 'honour defence' to wife-murder in Brazilian law and practice (Criminal Injustice: Violence Against Women in Brazil, Women's Rights Project and Americas Watch, October 1991, pp 18-29) and forced virginity tests in Turkey (Human Rights Watch Global Report on Women's Human Rights, August 1995, pp. 418-444).

- g) The co-ordination by the International Women's Human Rights Clinic at Georgetown University, USA, of a submission on 'honour killings' as a violation of women's human rights for the United Nations' Special Rapporteur on Violence Against Women; and
- h) The undertaking by CHANGE, UK, of a Research Programme on Non-Consensual Sex in Marriage which seeks to map, *inter alia*, the practices of forced and early marriage, in all UN member states.

The substantial increase in media coverage of the issue – in particular in the western and international press – was a matter of specific concern to participants in the meeting. Many felt that further consideration of the promises and perils of the surge of international interest in the subject of 'honour crimes' was needed. They were also concerned that such attention – including international solidarity work – should contribute to the success of initiatives to address 'honour crimes,' rather than posing additional complications to internal work within communities by rendering potential interlocutors more obdurate and jeopardising the possibility of access to and dialogue with those affected.

Objectives of the Meeting

The Roundtable aimed to provide an opportunity for activists working on the issue of 'honour crimes' in different regions to share information regarding their incidence, their varying manifestations and initiatives to address the phenomenon. It also aimed to provide a forum for discussion of strategies to address 'honour crimes,' including the potential for using international and comparative human rights law to this end in national, regional and international fora.

More specifically, the meeting aimed to contribute to the following objectives:

- a) examine the 'crime of family honour' and the diversity of its manifestations including the 'hidden incidence' of such crimes;
- b) reach a consensual definition of a 'crime of honour;'
- c) assess the incidence of 'crimes of honour' in different countries of the world, and identify the range of ongoing initiatives by practitioners to address 'crimes of honour' within diverse legal, political, religious and cultural contexts;

- d) identify commonalities in incidence, practice and law that might assist activists and lawyers in developing strategies to challenge the phenomenon of 'honour crimes;' and
- e) build, in co-ordination with those active on and concerned with this issue, a consensus on developing supporting strategies to combat 'honour crimes' against women and girls wherever they occur, through the collection of reliable data and provision of technical assistance, support and information exchange.

Overview of selected initiatives addressing 'crimes of honour'

Participants from **Jordan, Pakistan, Palestine/Israel, Turkey and the United Kingdom** discussed specific manifestations of and responses to 'honour crimes' within their respective contexts.⁹

Jordan

In Jordan,¹⁰ the honour-based defence is often explicitly invoked by men who kill their female relatives. The law provides for the murderer to be either exempted from liability or to receive a much reduced sentence, depending upon circumstances. In many cases, the task of killing may be assigned to a minor boy to ensure that the sentence is lenient, and that even if convicted, he will be placed in a juvenile centre rather than a gaol. The killers are frequently assured of strong family support for their action and particular assistance on leaving gaol, including financial help. Families in which the murderer and the victim are of the same blood do not, as a rule, support prosecution of the murderer, waiving their legally-recognised personal interest (*al-haqq al-shakhsi*) in the prosecution and penalisation of the murderer.

However, in many cases of murder where honour is invoked by the killer as a defence, honour itself does not seem to be a prime consideration or motive. In such cases, the real motivation may be economic or based on family enmity and linked to attempts to prevent women from claiming

9 This section is a summary of the presentations by Rana Hussein, Asma Jahangir, Aida Touma-Sliman, Nadera Shalhoub-Kevorkian, Gulsah Seral and Hannana Siddiqui.

10 The British Council has facilitated a Family Protection Project in Jordan, which addresses, among other issues, child abuse, domestic violence and so-called 'honour crimes.' The project focuses on policy development and practice, is funded by DFID and involves both government agencies and NGOs.

their inheritance rights or from exposing allegations of incest or sexual abuse.

In February 1999, a national campaign that attracted the support of the Palace¹¹ was initiated in Jordan to end 'honour crimes'. Its objectives were supported at various times by members of the royal family. By November 1999, 13,000 signatures had been collected on a petition calling for the repeal of the Penal Code provisions permitting exemption and mitigation in the event of a proven defence on grounds of honour. In response, the Government drafted a bill to repeal Article 340 of the Penal Code, which was duly presented to Parliament at the end of 1999 but failed to pass.¹² In fact, most alleged perpetrators in cases of 'honour killings' rely on Article 98, which allows mitigation and a reduction in sentence (to one year in prison in the case of murder) if the perpetrator establishes he/she was overcome by a 'fit of fury' in response to an 'unrightful' act by the victim. Nevertheless, Article 340, as an article that explicitly exonerates the killers of women in certain circumstances, is clearly and legitimately a target for the efforts of the national movement against 'honour crimes' and indeed for those supporting them internationally. It is also worth noting that although some prominent Jordanian figures have accused the movement of seeking to impose western values,¹³ religious leaders have also made public statements asserting that 'honour killings' have no basis in religion.¹⁴

11 See for example Alan Philips, 'Princes oppose murder of unfaithful wives', Daily Telegraph 16 February 2000. The piece was reporting the participation of Prince Ali in a march through Amman demanding the repeal of Article 340 of the Penal Code, and more generally the Palace's support for amendment of the law.

12 Although the Upper House (Senate) endorsed the proposed amendment, the Lower House (Chamber of Deputies) rejected it twice.

13 Nadia Shamroukh of the Jordanian Women's Union reported that in the November parliamentary debate on the bill to repeal Article 340 of the Penal Code, certain deputies charged that the recent national campaign and efforts to get the article repealed were attempts by the West to infiltrate Jordanian society and demoralise women. Rana Hussein, 'Women activists pledge to continue struggle against "crimes of honour" despite Parliament decision,' Jordan Times, 23 November 1999.

14 Shaykh al-Tamimi's paper to a meeting on 'crimes of honour', convened by the NGO Terre des Hommes in Amman in July 1999, took the view that 'honour killings' were not supported by Islamic law because of the warnings in the Qur'an against acting on the bases of unproven doubt and suspicions (Chambers v.12; 4.264; and 2.232).

Pakistan

In Pakistan, under the *Qisas and Diyat Ordinance*,¹⁵ the heirs of a victim of murder are entitled to pardon the murderer. Thus, in cases where a woman is murdered by her father, the court is empowered to impose a prison sentence of up to 14 years, but in practice, a prison sentence is rarely given in such cases. Women's organisations have called for an amendment of this law. Activists and lawyers in Pakistan have been working on the issue of 'honour crimes', in particular 'honour killings', for over ten years. A nationwide debate on the justification or condemnation of 'honour killings' was recently prompted by specific cases in which women were killed or threatened with death by their families for seeking to marry of their own free will. In several cases (in contrast to the situation in Jordan and Palestine), the women concerned were from influential families, and this triggered more intense media attention than in other cases.

The experience of lawyers and activists on women's human rights has proved that in Pakistan, as elsewhere, purely legal strategies are unsuccessful when combating 'honour crimes.' It was reiterated that human rights and women's rights organisations must work together and at a grassroots level to raise awareness of the issue among human rights workers in the field. Only after building up a consensus on the issue on the ground will it be possible to link up with the media, which in turn will impact on influential sectors of society such as the judiciary.

After Samia Sarwar's killing, the media followed the case relentlessly with reports appearing in both the Urdu and English language press on an almost daily basis. Of course, such media campaigns backfired on occasion, and in some cases newspapers started to publish not only hostile reports on those women's organisations which run shelter homes, but also personal attacks on the concerned activists and lawyers. Part of this backlash was to accuse the organisations working on the issue of 'honour killings' of being western-oriented. In such cases, it may sometimes be more effective if those working on the issue speak from within the community.

¹⁵ First promulgated as an ordinance in 1990 and subsequently re-issued on a number of occasions until passed by parliament in 1997: see Amnesty International, Pakistan, *supra* note 7, p.44. The Law of Qisas and Diyat replaced Sections 299 – 338 of the Pakistan Penal Code dealing with murder and bodily hurt. The replacement under this law was done as some of the original provisions were declared against the injunctions of Islam by the Shariat Appellate Bench of the Pakistan Supreme Court.

Palestine

In the Palestinian West Bank, there has been no sustained attention to the issue of 'honour crimes,' whether by organisations or by the press. The research project carried out by the Women's Centre for Legal Aid and Counselling's (WCLAC) on femicide stands to make a real contribution in this regard.¹⁶ This research relates to the following categories:

Women who are perceived (by themselves or by a therapist) to be under threat of femicide;

Women who are subjected to verbal or non-verbal attacks;

Women who are subjected to threatened attack of femicide; and

Women who are victims of 'honour crimes' or femicide.

WCLAC's work indicates that the definition of honour is flexible, and that often women's misbehaviour is seen as sufficient violation of accepted codes of honour. It further appears that gossip or rumours about a woman may often be enough to invoke a 'fit of fury' by men and to result in an 'honour killing'. WCLAC is trying, through its work, to analyse the concept of honour and to find alternative definitions. In documenting cases of femicide, WCLAC draws on various sources of data, both formal and informal. Formal sources include the records maintained by the Palestinian Bureau of Statistics. However, these records do not identify the gender of the victims, and appear to underestimate the actual incidence of cases. For example, in 1999, the police recorded five cases of femicide in the West Bank and thirteen in the Gaza Strip. Other formal sources include post-mortem reports, many of which record women's deaths as being due to natural causes such as diabetes, high blood pressure, etc. They also include records from the Attorney General's office; in these records for 1996-1998, WCLAC found 234 cases of women having died, of which 177 files were closed, the cause of death being ascribed to 'fate'. As the records are not gender-specific, the numbers of women killed can only be identified by checking against the names entered in the records. In some cases, corroboration is sought by searching the records of the Ministry of Health. Other important sources of information include the questions put by judges during trials and the data received by the 'hotline'.

¹⁶ WCLAC's report, *Mapping and Analyzing the Landscape of Femicide in Palestinian Society*, was completed in the summer of 2000. The project was directed by Nadera Shalhoub-Kevorkian. See also UNIFEM, *Violence Against Women Campaign: Western Asia Report 1999*, p.24.

Informal sources of data on femicide include interviews with police officers, prosecutors, forensic experts, politicians, tribal leaders, the District Attorney, judges and village heads (*mukhtars*).¹⁷ Information is also collected about the role of doctors of forensic medicine indicating that in certain cases, forensic experts may be unduly influenced by the women's families to change the reports. Where possible, the court records of femicide cases are also examined. The research has shown that, as a whole, the judicial system conspires against victims, and that patriarchy, masculinity, and control measures critically affect court decisions in these matters. In addition, there is a pattern of tribal heads excluding women by institutionalising them or forcing them into marriage.

Palestinian community in Israel

Inside Israel, Women against Violence provides legal and social assistance to women survivors of violence within the Palestinian community. It provides clinical therapy and operates a shelter. It is also engaged in campaigning and advocacy for policy and law reform on the issue of violence against women and runs educational workshops to raise public awareness. The organisation is part of Al-Badeel (The Alternative), the Coalition against the 'Crime of Family Honour.' The Coalition's work includes the publication of a newsletter that documents the names and histories of women who have been murdered in 'honour killings,' and the holding of commemorative events.

Although there are some progressive Israeli laws on violence against women, there have been cultural complications for the minority Palestinian community in appealing to those laws and shortcomings in the remedies they have provided. Furthermore, the Israeli authorities have sought political benefit through the selective support of different communities. For example, the political authorities have at times underpinned elements of "the tribal system" to secure votes. The campaign against 'honour crimes' was itself sparked off by mobilisation against a local authority mayor who supported a man in court who had killed a woman in an 'honour crime.'

Turkey

The majority of cases of 'honour crimes' in Turkey occur in the east and south-east of the country. In a recent survey conducted in eastern Turkey

¹⁷ Jordanian law empowers the mukhtar to furnish a death certificate.

regarding the threat of honour crimes', 66% of the respondents stated that they were afraid that they could become victims of 'honour killings.'¹⁸

In Turkey, the penalty for premeditated murder is 24 years in prison. A crime within the family is considered to involve an exacerbating circumstance and the punishment for murders within the family is accordingly augmented to life imprisonment. However, provocation can be a mitigating justification. The definition of provocation depends on the courts, but it is based on society's understanding of the concept. There are two articles in the Turkish Penal Code on provocation, differentiating the general article on provocation from severe provocation. In the case of an 'honour killing,' severe provocation is cited as a mitigating circumstance. Severe provocation can reduce a life term to fifteen years. Subsequent processes used to reduce the sentence have meant that in practice, killers may be able to go free after six years. In practice, the sentence may be further reduced on the grounds of the perpetrator's age, since in many cases families arrange for minor boys to carry out the killings, in the knowledge that their age will be a mitigating factor in the sentencing process.

In most cases of 'honour killings,' both those responsible for representing the victim's interests, that is her family, and the perpetrator, often a legal minor, are in collusion, and no party presses for the woman victim's rights. As a result, many concerned women lawyers and women's groups have been lobbying the government for an amendment to the penal code that would allow interested parties to represent the women killed in the name of honour. Women for Women's Human Rights (WWHR), together with the Equality Watch Committee and the Purple Roof Women's Shelter Foundation, has been active in campaigning for this amendment in legislation. It was especially vocal on the issue of 'honour killings' in the NGO Shadow Report presented at the 1997 session of the UN Committee on the Elimination of All Forms of Discrimination against Women. WWHR is also active on the Legal Committee of the government's General Directorate on the Status and Problems of Women and is engaged in a campaign to abolish the Penal Code provision in regard to severe provocation where the sentences may be reduced to one eighth of the original sentence. Within the framework of this campaign, WWHR also works with the media and sends out urgent action alerts in

18 See Pinar Ilkcaracan and Women for Women's Human Rights, 'Exploring the Context of Women's Sexuality in Eastern Turkey', *Reproductive Health Matters*, November 1998, Vol.6 no.12, pp. 66-75.

specific cases of 'honour killings.' The Human Rights and Legal Literacy Training Programme for Women, conducted by the WWHR at grassroots level across sixteen provinces in Turkey, includes discussion of 'honour killings' as a violation of women's human rights, specifically the right to life.

United Kingdom

Southall Black Sisters (SBS) is a frontline women's advice centre, which focuses on providing support to women on a range of issues, including violence against women and matrimonial matters. SBS also campaigns for change within the criminal justice system and calls for scrutiny of social policy which, in many cases involving Asian women, tends to adopt a non-interventionist approach to women and violence. It also examines developments within the immigration field as well as related developments and connections internationally. For example, it was involved in monitoring the outcome of the important recent decision of the House of Lords in *Shah and Islam*¹⁹ which is of great strategic importance to women in situations of violence, in particular those under threat of 'honour killings.'

SBS receives over 1000 cases and inquiries every year, many of which concern allegations of domestic violence. These include cases of assault, murder, forced marriage, the abduction of girls and women, female genital mutilation, acid attacks and violence following demands for dowry. About 25% of all domestic homicides concern the killing of women: in many such cases, (as in many matrimonial and custody cases) men invoke a cultural defence. Campaigning to end domestic violence has meant that SBS has addressed the issue both within the community and outside it. It has raised issues regarding domestic violence and the role of community leaders to prevent or punish such violence. It has also taken a leaf from the Indian women's movement in adopting the strategy of turning the notions of honour and shame on their heads. Thus, it has held demonstrations outside the alleged perpetrator's home, denouncing the men who have acted shamefully and brought dishonour on their family's head by killing women. SBS is also examining the reasons why some women feel driven to kill violent partners; here, women's inability to escape situations of extreme violence appears to be linked to their own notions of honour. Women may themselves be so inculcated with the notion that breaking up a marriage is a violation of the community's

¹⁹ *Islam (AP) v Secretary of State for the Home Department*; *R v Immigration Appeal Tribunal Ex Parte Shah (AP)* [1999] 2 WLR 1015, [1999] 2 All ER 545.

honour that they see their only route to escape from violence as lying in the killing of the violent partner.

SBS works with school students and also conducts training programmes with practitioners and professionals on domestic violence. Its work often differs from other women's groups, in particular those based on religion or those with a particularly conservative orientation. Such groups have begun to call for alternatives to the use of the criminal justice system in cases of domestic violence, and the possibility of mediation, followed by reconciliation within the family, rather than challenging the customs and abuse that force women to remain there. As a result of its work, SBS has often been accused by anti-racist organisations of washing the community's dirty linen in public and of risking a racist backlash against ethnic minority communities.

SBS was represented on the Home Office's Working Party on Forced Marriage, and has been one of the few voices critical of the state's role in relation to forced marriages. SBS is particularly concerned about the failure of service providers to address the needs of women and girls at risk of forced marriages. Such service providers may cite cultural grounds for such failure, on the assumption that minority communities are self-policing, and that they are, therefore, not required to intervene on behalf of women within these communities. SBS believes that there is a need for the government to issue proper guidelines regarding the response of the state and law enforcing agencies to forced marriage cases and to focus more closely on the question of enforcement.

Some forced marriage cases carry an international element, for example in cases of abduction, immigration or asylum. In the last category, there is a real tension between the need to demonstrate that the woman concerned is at risk of severe abuse if forced to return to her country of origin and the need to avoid reinforcing negative stereotypes of that country. In many cases of abduction and forced marriage of dual nationals, the Foreign and Commonwealth Office (FCO) refuses to intervene formally; a culturally relativist notion of multiculturalism appears to underpin this decision. SBS is currently considering the scope for civil and criminal actions relating to the FCO's lack of formal intervention in such cases.

Relevance of A Human Rights Perspective to 'Crimes of Honour:'

What is an 'Honour Crime'?

In seeking to define 'honour crimes,' participants focused on attempts to:

- a) conceptualise the notion of a 'crime of honour' and to discuss the contexts in which honour is seen to be embodied or encapsulated;
- b) identify the constituent elements of a 'crime of honour,' whether for the perpetrators, the victims, the authorities, or activists;
- c) differentiate 'crimes of honour' and 'crimes of passion;'
- d) consider the role of the state in the perpetuation of 'crimes of honour', in particular through examining whether the values of those affirming the legitimacy of such crimes find resonance in the law and in state institutions.

The discussion was prefaced by an introduction summarising the varying forms of 'honour crimes' documented in the background material for the meeting, their apparent cause, and the reflection and embodiment of the notion of honour in various legal codes.²⁰ The following summary outlines thematically the main points raised during this discussion.

- 'Crimes of honour' take diverse forms, including but not confined to 'honour killings', forced marriages, coerced marriage to an alleged rapist, and unlawful confinement/restrictions on movement. The incidents that appear to trigger off an 'honour crime' range from women exercising their right to choose a spouse, seek a divorce, or engage in any behaviour which breaches family or community norms, in particular sexual conduct, but also, for example, merely being absent from the family house. In the last case, the notion of honour is invoked through asserting suspicion of the woman having been engaged in sexual assignations during her absence. The tight control of the movement of unaccompanied women in some communities can thus also be an expression of control over their sexuality. The perception of loss of such control may be articulated as a justification for an honour-based crime. Whether this is all about sexual control and patriarchy, or whether it is all about property and patriarchy, or whether it can be and is part of all those elements and so a moving

²⁰ The introduction was presented by Lynn Welchman.

target, in that sense, for advocates and activists, are issues that differ in place and time. However, where the various constituent elements can be teased out, whether in individual cases or as patterns, they can help to contextualise the problem, identify groups 'at risk,' and indicate possible measures of response.

- One of the elements that may need to be distinguished, where this is possible, is between a 'crime of passion' and a 'crime of honour.' Some have voiced concern that 'only Muslims' – or, for example inside Israel, 'only Arabs' – are seen as having the latter in their culture whilst murders of women in other cultures are 'dignified'²¹ by the term crimes of passion, a concept recognised in French and certain south European jurisprudence. This is complicated by the fact that the crime of passion defence is only available to a man who is or has been sexually involved with the woman he has killed, and thus can claim that he is defending the 'conjugal honour' or his individual masculine honour. The term 'crime of honour' appears to be wider, and in such cases, the perpetrators may include the victim's closest blood relatives — none of whom, at least by law, may be or have been in a sexual relationship of any kind with her.²² The honour being defined here is not asserted as a personal or conjugal honour. On the other hand, the honour defence is asserted by husbands as well as by family members, and in some laws the murderer's distinct relationship in this regard to the victim is collapsed in the legitimisation of the honour defence. In the Amnesty International report on 'honour crimes' in Pakistan, figures from Sindh illustrate the substantial proportion of cases (in karo-kari killings) where husbands are the murderers.²³ In Jordan, information provided by the Amman District

21 In the same sense that for those sympathetic to the concept, 'crimes of honour' are dignified by that description. See Ian Leader-Elliott, 'Passion and Insurrection in the Law of Provocation,' in N. Naffisen, & R.J. Owens (eds.) *Sexing the Subject of the Law*, Sydney: Sweet & Maxwell, 1997, on a 'passion which expresses the virtues of the ordinary man [...] The ordinary man is a sanguine man, a hot man, whose blood boils when his most vital interests are threatened' (at page 162) - compared to the generally reviled 'cold-blooded killer.'

22 See further Lama Abu Odeh, 'Crimes of Honour and the Construct of Gender in Arab Societies,' in Mai Yamani (ed.), *Feminism and Islam*, Ithaca Press, 1996, pages 141-194.

23 Where data of known cases revealed the relationship of the perpetrator and victim and the woman was killed alone as kari during 1998 in Sindh, 40 of the 81 murdered women were killed by their husbands: see Amnesty International's Pakistan report, *supra* note 7, at page 6.

police department indicated a lower proportion of husbands implicated in what the police classified as 'honour killings'.²⁴

- Research into 'honour murders'/'crimes of passion' in some Latin American countries indicates a close identification of the two concepts and the tendency of laws to accommodate social norms permitting a man to kill his allegedly adulterous wife on the grounds of damage to his honour. A Human Rights Watch report on violence against women in Brazil describes the evolution of this defence. The explicit defence available in Portuguese colonial law to a man who kills his wife and her lover on catching them in the act of adultery was repealed by Brazilian law and replaced by the crime of passion defence. This in turn has further developed into the ambiguity existing in the courts in the 1990s. Thus, the 'legitimate self-defence' develops into the crime of passion defence. According to Human Rights Watch, 'in essence, the honour defence equates a wife's adulterous act (or allegedly adulterous act) with a physical act of aggression by the accused.'²⁵

- A recent article traces the development over time of the English and Australian law on sexual provocation, a defence in cases where women are killed from jealousy or possessiveness. It argues that 'sexual provocation is a cultural defence which transcends religion or ethnic origin, and claims for itself a constituency almost exclusively masculine.'²⁶ It also argues that the abolition of the offence of adultery (originally based on the perception of women as chattel and adultery as a crime against property, in English law) has been accompanied by the 'progressive enlargement' of the partial excuse for murdering women provided through the defence of provocation. In Jordan, 'honour killings'

24 The information provided for the three years from 1995 to 1997 identified 56 perpetrators in what the Unit classified as 'honour killings,' including the victim's brother as her killer in 80% of the cases, her father in 14.5% and her husband in 5.5%. Working paper of the Family Protection Unit in the Amman District Police Department, 1999.

25 Human Rights Watch's report on Brazil, *supra* note 8, at p.21. Argentina saw similar tensions between law and social norms and has a reduced penalty for murder 'in a state of violent emotion' in circumstances that 'make it excusable', while Venezuelan law maintains a maximum three-year sentence for a man who kills his wife and/or her lover on finding them in the act of adultery. See papers by A. Segura for the Georgetown International Women's Human Rights Clinic. By contrast, the story of the 'honour killing' set by Gabriel Garcia Marquez in a Colombian village, and given 'legal-sociological interpretation' by Teubner, ('Regulatory Law: Chronicle of a Death Foretold', *Social and Legal Studies*, Dec. 1992, v.1, n.4) is of the (reluctant) murder by two brothers of the seducer of their sister.

26 Leader-Elliott, *supra* note 22, at page 153.

are most frequently mitigated through a defence based on the killer having been 'in a state of great anger/ a fit of fury resulting from a wrongful and dangerous act on the part of the victim.'²⁷ Perceived or suspected breaches of the 'honour code' may be considered by the court to constitute 'a wrongful and dangerous act on the part of the victim' towards the honour of her killer, whether this person be her husband or a close male relative. Similar provisions exist and are used in defence in, *inter alia*, Syria and Lebanon. There may be some comparison to be made here with the tendencies in Brazilian cases noted above. The penal codes in certain Middle Eastern states (e.g., in Syria) have also recognised a partial defence based on an honourable motive for a crime. The concepts of crimes of passion and 'crimes of honour' are collapsed in codified laws that provide an exemption or a mitigation to the man who kills his wife or a close female relative whom he catches in an adulterous encounter. In Pakistan after the introduction of *Qisas and Diyat*, the Pakistan Penal Code sections relating to murder no longer provide for any exemption on the grounds of grave and sudden provocation. However, the courts continue to invoke this concept in mitigating charges of murder, including in cases of 'honour killings,' whether the murderer is the partner or a male relative. In the UK, debates on the defence of provocation have been catalysed by those defences presented by women who killed a violent partner. Until recently, the courts appeared to find the use of such a defence by women less acceptable than by men. One question on legal strategy which has implications for the crime of passion concept is whether the concept of provocation and passion should be linked, or whether the definition of provocation should be redefined so as to make it more easily available to women?²⁸

- There are real and obvious problems in defining an 'honour crime' based on the claims made by the perpetrators, who seek to 'legitimise/dignify', in their respective cultural context, the murder of a woman - or another violation of her rights - on the basis of honour and thereby obtain a reduced penalty. Accepting that such a crime has

²⁷ Article 98, Penal Code: see further Abu Odeh, *supra* note 23, pages 158-161 and note 37 page 192.

²⁸ Leader Elliott, *supra* note 22, argues that defences based on claims of self-defence by women who kill their violent partners have been subjected to 'unspoken limits' in North American, English and Australian law, 'preserved by a steadily widening conception of provocation.' In regard to whether sexual provocation should reduce murder to manslaughter he concludes (at page 169) that 'given the disparity between the sexes in the matter of who kills whom, women may be far more likely than men to conclude that this particular claim to compassion is an anachronism.'

occurred as claimed may obscure – as may be the intention – the 'real motivation' for the crime or attempted crime. These two problems converge in the question of definition and strategies.

• The concept of honour appears to be intrinsic to many tribal laws. A view from the Arab world saw honour as linking the notion of revenge exclusively to the murder of men, and the concept of shame only to a woman and her natal family. Thus, if a woman's husband divorces her, and then her family murders her, there is no-one left to avenge her death. This value structure may explain why, in 'honour killing' cases, the woman's (alleged) paramour is not killed. By comparison, in Sindh, Pakistan, honour appears both to exist in its 'original' or purist version, and also to have been re-invented through modernity.²⁹ Honour emblematises an alternate moral value system. The perpetrators often feel that by committing an 'honour killing,' they have saved face and can stand up in society again. In this context, honour also requires revenge (or badlo) killings. Honour is seen as exclusively masculine and shame as exclusively feminine. From this perspective, if a man's honour is seen as damaged, he is shamed and has to reinvent his masculinity by undertaking a killing. Given that feuding is also intrinsic to tribal culture and is part of how notions of honour may be played out, a marriage conflict may be constructed into a feud. This may be conducted through the generations and undergo transformations down the years, with an 'honour killing' perhaps eventually transmogrifying into a land dispute. 'Honour crimes' have also been transformed in certain aspects by the entry of market forces. Now, it is possible to demand compensation to avenge an 'honour killing' either in the form of monetary payment or the transfer of another woman. That is, where a family kills a woman for reasons of its honour, it may claim compensation or the transfer of another woman in compensation for the woman of whom it has been deprived through the murder. However, Section 310(1) of the Pakistan Penal Code specifically prohibits the giving of a female in marriage as a settlement in murder. The terminology of honour may shift from a rural to urban context and an 'honour crime' may take different forms depending on whether the perpetrator is outside the woman's family or

²⁹ Nafisa Shah presented the analysis of honour in Sindh summarised in this section. Her many writings on the subject include: 'Faislo: The Informal Settlement System and Crimes Against Women in Sindh', in Farida Shaheed et al (eds.), *Shaping Women's Lives: Laws, Practices and Strategies in Pakistan*, Lahore: Shirket Gah, 1998, pages 227-252; 'Honour Killings: Code of Dishonour', *The Review*, 19-25 November 1998, page 8; and 'A story in black: karo kari killings in Upper Sindh' Reuter Foundation Paper 100, Oxford 1998.

within it. The notion of honour is linked to the perception of control by and economic advantage of males. So, for example, in Pakistan, it is considered honourable for women in tribal courts to forgo inheritance and for men to sell women. And, a father may be dishonoured by his daughter marrying against his will, but not by his implicit allegation that she is an adulteress (as happened in the Saima Waheed case in Pakistan).³⁰

- In the informal or customary legal system that condones 'honour crimes,' there is a reversal of the relationship between the victim and violator on the one hand, and the consequent expectations of retribution as it exists within the state or formal system of justice on the other. There is a valorising of the right to kill. Thus, a woman who is killed may be seen as the guilty party, as happened with Samia Sarwar. Similarly, Asma Jahangir and Hina Jilani, Samia's lawyers, who continue to be targeted by those supporting Samia's family, are seen as responsible for her death, and those accused of the murder are seen as victims. Thinking through the issue of 'honour crimes' from within a very different world-view poses real difficulties to those outside that world view.

- The concept of honour is elastic, changing according to time and place and forms of articulation and expression in society. In cases of 'honour crimes', the dominant view of honour held by the perpetrators, most often shared by (or at least not challenged by) their immediate community, is one that some activists are seeking to challenge by asserting a different meaning of honour. For example, in Pakistan, activists have named the killers of women as dishonourable. The dominant view of honour is linked to the assumption that honour attaches only to a good woman. Thus, in the UK for example, activists argued that Zoora Shah was considered by the Court of Appeal to have no honour left to transgress.³¹ By raising the notion of honour, a woman's sexual history may be used to deny her justice. The same approach is found in court decisions in the West Bank. The notion of honour is used by women to show how they are constrained from escaping violence, and by men to excuse the violence, which they perpetrate upon women. One strategy might indeed be to work on

30 Waheed v Jahangir & Anor, PLD 1997 Lahore 301.

31 Zoora Shah, a Muslim woman in Bradford, UK who killed her partner, allegedly after years of physical, sexual and economic abuse, was sentenced to 20 years in prison. Southall Black Sisters led a campaign on her behalf. See Susan Edwards, 'Beyond Belief - the case of Zoora Shah,' *New Law Journal* 8 May 98, 667-668. In January 2000 her tariff was considerably reduced on appeal.

recovering the notion of honour, identifying how women of all kinds have an honour that attaches to them. However, other participants responded to this suggestion by noting the dangers of using the notion of honour. They suggested that such cases might be more effectively defended through the argument that a woman's failure to speak out about her situation of abuse was due to her fear for her children, and possible repercussions on them, rather than because she was not willing to compromise her honour by describing the degradations she had suffered.

- The connection of honour with the control of the exercise of female sexuality permits the description of 'honour crimes' as violations of women's rights to sexual autonomy. However, it was pointed out that this may not be appropriate in certain contexts where victims of 'honour crimes' may be children, who as a group have a particular need and right to protection, and who remain vulnerable to sexual abuse (including 'honour crimes'). Making the connection to women's sexuality also raises issues of violence against women that appear to fall outside the 'crimes of honour' category – or at least, outside the 'crimes of family honour' category. Such examples include acid attacks against women in Bangladesh, often by men whose sexual advances have been rejected, and the killing of women by militias in Algeria on the basis of the imposition of dress codes or lifestyle/conduct codes, by persons unconnected with the women concerned. Some felt that caution needed to be exercised in not collapsing too many forms of violence against women into the definition of 'honour crimes.'

- Similarly, 'honour crimes' against women are clearly located within the broad spectrum of crimes of violence against women, making it possible to address them within a rights-based approach, which imposes upon the state an obligation to provide protection to women. It would be strategically important to identify the value and advantage of, on the one hand, 'separating out' a 'crime of honour' as a particular phenomenon or form of violence against women, and, on the other, campaigning on 'crimes of honour' solely within the broader spectrum of violence against women. Any attempt to address 'honour crimes' separately would have to be handled very carefully, given the risks of a racist backlash and cultural stereotyping; lessons might be learned in this regard from the complex dynamics that marked the international campaigning effort on female genital mutilation. It is essential that the issue not be sensationalised (this issue was also discussed in relation to the role of the media: see below).

The Human Rights and the Internal Cultural Dialogue Approaches

Participants considered the human rights approach to 'crimes of honour,' including the use of the law, legal mechanisms and international human rights mechanisms. They also considered challenges for advocacy and dialogue with and within different communities asserting the legitimacy of 'crimes of honour' or tolerating their perpetration. The following seeks to summarise the points made and discussed during the session.³²

- Violations such as 'honour crimes' press us to reflect on the limitations of 'standard' (international human rights law-based) human rights activism as an approach to addressing them. The human rights approach needs to supplement rather than undermine other approaches and to recognise the need for (and the validity of) complementary approaches. A critical re-examination of existing approaches would mean, at the very least, recognising that certain principles, such as rights to sexual autonomy or the choice of a partner or lifestyle, may be new to many of the societies in which activists work. Denying such social realities could undermine the potential effectiveness of both human rights and women's organisations. One difficult question that needs to be asked is whether the kind of human rights approach currently deployed forces women to face untenable choices between the community and the self, or between a social death and a physical death. Will women forced to confront such dilemmas be able to lead a normal life? A successful strategy would involve persuasion, rather than compulsion, to bring a community to accept a particular position.

- The problematic aspects of a human rights approach are due in part to the reality of a situation of human rights dependency. This involves human rights in the South being protected by human rights organisations in the North who create pressure on the governments of the North to, in turn, exert pressure on the governments in the South to address human rights violations.³³ This dependency reflects real economic dependencies (contrast for example the treatment of human rights violations in Saudi Arabia and Pakistan). Some might consider that this approach is exemplified in the recent reports on 'honour killings' in Pakistan by Amnesty International and Human Rights Watch, neither of which address the role of civil society in Pakistan in addressing 'honour crimes,'

³² Initial presentations were made by Abdullahi An-Na'im and Asma Jahangir.

³³ For a more detailed exposition of this concept see Abdullahi An-Na'im, 'Problems of Dependency: Human Rights Organizations in the Arab World', Middle East Report Spring 2000.

and which might appear to assume that civil society is a mere beneficiary rather than an agent of any process of social change. By contrast, a useful and effective human rights approach is one which diminishes dependency and takes civil society seriously, including its concerns regarding sexuality, patriarchy and sexual autonomy.

- In response to the points summarised above, it was observed that the dichotomy set up between religious and secular, or a rights-based and a 'community-based' approach, may reflect the state's response, rather than women's experience. Although many women may identify with religious principles, they also make their own choices, sometimes in defiance of social norms. In doing so, they choose to exercise their individual human rights. Culturally relativist arguments in defence of 'honour crimes,' particularly those which claim that the articulation of the right to choose whether and whom to marry is an imposition of liberal values on certain societies, fail to address the fact that such societies have embraced liberal values in respect of their economic policies, educational systems and infrastructure. Why do 'liberal values' falter only when it comes to state policies on women, and particularly in this case, women in the family? It was also pointed out that in developing a rights-based strategy, many campaigners have, in fact, been careful to begin work at a local level, and to move to the international plane at a later stage.

- In developing a rights-based approach, there is a need to challenge another false dichotomy between the community and women, which somehow places women outside the community. The actions of women's and human rights organisations in challenging 'honour crimes' have resulted in the beginnings of a redefinition of notions of 'community', 'citizenship' and the individual. With regard to women being able to lead a 'normal' life, the very notion of 'normal' needs to be questioned. Women *can* and *do* create their own communities, and alternative spaces, such as shelters. A sound human rights approach thus includes within itself the vision and the capacity for imagination of such alternative communities.

- The question of possible alternatives to a human rights approach was raised. Are there other ways of mainstreaming the position of marginal groups in our societies? Is it useful, effective, or even possible for rights activists to engage with developing strategies to address 'honour crimes' together with those who perpetrate, sanction or condone 'honour killings' within particular communities?

- Particular challenges are posed by the conflation and entanglement of male control of female sexuality and the toleration of 'crimes of honour' as culturally 'authentic' and part of a strategy of resistance to Western colonisation by certain non-state 'Islamist' groupings.
- State responsibility under international human rights law entails both enacting legislation and implementing it, and also the duty to transform culture. For example, the International Convention on the Elimination of All Forms of Racial Discrimination requires states to take steps in relation to culture, education, and the media in order to change the prejudices which lead to racial discrimination.³⁴ CEDAW requires states to modify the social and cultural patterns of men and women in order to eliminate discrimination against women.³⁵ How, when addressing the issue of state responsibility, is it possible to take adequate account of – and confront – the realities of the uneven reach and commitment of the state, and the fact that many state institutions are themselves infused with tribal ideology?

Identifying Specific Strategies to Address 'Crimes of Honour'

Research and Documentation

Participants discussed particular efforts to document the incidence of 'crimes of honour' and to research the response to such crimes by relevant actors (for example, the state, including the judiciary, community

³⁴ Article 7 of the Convention: States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

³⁵ See article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women, which states that States Parties shall take all appropriate measures, including legislation, "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

or religious leaders and institutions, NGOs and the media). The following is a summary of the points raised and discussed.³⁶

- In conducting research on the issue of 'honour crimes,' we need to be very sensitive to the context in which we work and to differentiate between long-term and short-term strategies. One of the first questions to decide in conducting such research relates to identifying the best sources of information. These may include, depending on where the research is being conducted: victims themselves or their families; the police; the legal community (lawyers, bar associations, court officers, Advocate/Attorney General's office); the medical profession (doctors, hospitals); local government institutions; and the media. In Palestine, WCLAC's methodology for compiling data on 'honour killings' has included the use of victim surveys and the collection of data from tribal sources. Particular difficulties in undertaking such research include the lack of statistics, in particular gender-disaggregated data, the under-reporting of incidents of 'honour crimes' and killings, due in part to collusion between state officials and the victims' families in a conspiracy of silence and the lack of access to public records, including judgements and sentences, combined with inadequate case reporting. On the positive side, it is clear that such research is more effective where it is action-oriented. Interviewees are far more responsive if they know that the research will have an outcome - for example, in Palestine, the police have begun to refer cases of 'honour killings' to WCLAC after having become aware of the organisation's ongoing efforts to conduct research on this issue.

- In documenting the issue of 'honour crimes,' as in the case of other human rights documentation and research, it is important to be conscious of the constraints of undertaking such research without alienating the local community. It is also important to work out how international organisations can best work with local or national organisations to share information and to bring the results of their research to a wider audience. Amnesty International, for example, receives considerable cooperation from local lawyers and activists in preparing its reports, which are, in turn, aimed at enabling its membership to act at different levels.

- Regarding specific research methodologies, some participants expressed reservations on the use of victim surveys as a method of checking

³⁶ The discussion was prefaced by presentations by Nadera Shalhoub-Kevorkian and Angelika Pathak.

prevalence rates for violence. A research project on domestic violence in Morocco, co-funded by UNICEF, UNIFEM and UNDP, was suggested as a possible model for research methodologies. It was suggested that it might often be more useful to present specific stories, rather than confining the presentation of research to statistical data and analysis and that advocacy could be built into research methods as they were developed.

Law-related Strategies

In this session, participants were requested to consider the potential and limitations of litigating or presenting cases of 'honour crimes' before domestic courts or human rights institutions (and, if relevant, before regional and international courts, tribunals and mechanisms) and the local or community impact of such strategies. They were also asked to consider the response of the judiciary, and other state institutions, such as law enforcement agencies, in particular the police, and the need for availability of support services that enable survivors of 'honour crimes' to access the law, including shelters and counselling services. Finally, they were requested to consider the relevance and interplay of human rights law and criminal or civil remedies and the international dimension of certain cases, including the scope for submitting communications to relevant international human rights mechanisms. A specific issue for discussion was the possibility of submitting information to the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions and on violence against women, its causes and consequences, with a view to enabling them to address the issue of 'honour crimes' more fully in their reports. A summary of the points raised and discussed follows below.³⁷

- The scope for legal action at the national level was illustrated through a review of experiences in the UK. Here, women's rights organisations have pinpointed the issue of the state's responsibility to prevent and to protect women from violence, particularly from domestic violence and rape. They have challenged the state to recognise domestic violence, and now 'honour crimes,' as crimes rather than customary practices to be condoned and/or tolerated. Asian and black women's organisations have confronted particular difficulties as minorities seeking to negotiate with an oppressive and racist state and have challenged the police's failure to underpin an understanding of diversity with notions of equality.

³⁷ The discussions were introduced by presentations from Asma Jahangir, Aida Touma Sliman and Pragna Patel.

Specifically, this has meant challenging the police's failure to intervene in cases of domestic violence, and more recently, in cases of forced marriage, where attempts are made to justify such non-intervention on culturally relativist grounds.

- Experience with such cases has revealed the extent to which survivors are themselves criminalised by the state or the community, the relative impotence of available remedies and the failure of existing mechanisms to hold the police accountable. All of this reinforces women's complaints of their lack of effective citizenship. In their experience, the state and community often conspire to undermine and prevent the protection of women against violence. This situation is exacerbated by the assumption that minority communities should be self-policing. There is a risk of further deterioration if demands for the recognition of greater autonomy for minority communities, and for families within them, are met by the state.
- Women's rights organisations in the UK have adopted different legal strategies, including both civil actions against the police, as well as human rights law-based challenges (the latter will become possible in the national courts in the UK after the Human Rights Act comes into force in 2000). The decision of the European Court of Human Rights in *Osman v. UK*³⁸ is a valuable addition to the relevant jurisprudence in this regard.
- In many cases of 'crimes of family honour' 'in the Palestinian community in Israel, the victims are themselves re-victimized and face sanctions from their own families. One strategy developed in such cases is to enable women to build alternative communities and support structures for themselves, in particular through the provision of shelters. For example, the first shelter for Palestinian women was set up in Israel in 1993. There was considerable resistance to it at first from within the community, but it was found that where women were forced to choose between the community and themselves, they did indeed choose themselves and opted for the shelter. The shelter is currently funded by the state. This is not ideal, as it imposes controls and invokes the paternalism inherent in the relationship of those who give and those who take. This paternalism is reinforced in this particular situation where those who operate and use the shelter are from a minority community. At the same time, the proposal to privatise shelters, due to start in Israel from 2000, is also of great concern. The real challenge is in securing autonomy and adequate funding for such shelters, which could assist in the design and

³⁸ *Osman v. The United Kingdom* ECHR (87/1997/871/1083).

implementation of context-specific interventions. Even where there is no state-run shelter, the state is responsible for the protection of those in existing shelters. The importance of framing guidelines regarding state responsibility in this regard is an issue that could be taken up by the two Special Rapporteurs mentioned above.

- There is a continuum between the various strategies to be used at the national and international levels. At the national level, given the need for legal remedies, the judiciary provides the primary avenue for redress. Thus, the sensitisation of the judiciary is an important task. The exposure of judges to human rights principles, through for example, participation in INTERRIGHTS Judicial Colloquia on the Domestic Application of International Human Rights, may yield real results.
- Internationally, of the various UN human rights bodies, 'honour crimes' were explicitly addressed by three UN Special Rapporteurs in 1999: the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on violence against women, its causes and consequences, and on the independence of judges and lawyers.³⁹ Particular concern was voiced at the impunity or mitigation provided by some states to the perpetrators of such crimes, whether through legislative or judicial recognition of the defence of honour, or by non-intervention of police to protect victims. The Special Rapporteurs are cooperating in their efforts to address the issues.⁴⁰ The reports of the Special Rapporteurs were to be submitted on 15 December 1999, and a request for material to be submitted was made to the meeting.
- In addition to making submissions to these Special Rapporteurs, it is important strategically to try to mainstream gender issues before all international bodies, and to raise the issue of 'honour crimes' as a human

39 Respectively, UN Docs.E/CN.4/1999/39, E/CN.4/1999/68; and E/CN.4/1999/60.

40 All three Special Rapporteurs addressed the issue explicitly and in some cases in greater length in their reports of 2000. Asma Jahangir, the Special Rapporteur on extrajudicial, summary or arbitrary executions, recorded receiving reports of 'honour killings' from Bangladesh, Turkey, Jordan, Israel, India, Italy, Sweden, the United Kingdom, Pakistan, Brazil, Ecuador, Uganda and Morocco, went into some detail on the various legislative provisions in different countries and noted certain efforts at reform; in her concluding remarks, she stated that "The Special Rapporteur further feels a personal commitment and responsibility to address the unacceptable practice of so-called "honour killings", which she concludes may constitute violations of the right to life when condoned or ignored by the authorities." See UN Doc.E/CN.4/2000/3. See also reports by the Special Rapporteur on violence against women, E/CN.4/2000/68 and by the Special Rapporteur on the independence of judges and lawyers, E/CN.4/2000/61.

rights violation before as many UN human rights bodies as possible. Strategically, it may also be useful to raise the issue of shelters in the context of any discussion on 'honour crimes,' so that it can also be raised in relation to the broader issue of domestic violence. In particular, it is important to submit communications and shadow reports to the UN human rights treaty bodies. These include the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee Against Torture and the Committee on the Rights of the Child. Communications could be submitted to other mechanisms, such as the Working Group on Arbitrary Detention, as well as to the Special Rapporteur on Torture. Another suggestion that might be followed up was a review of the definition of genocide, to examine whether any provision could be made to define a gender-specific form of genocide.

Cross-Cultural and Internal Cultural Dialogue

Participants were asked to consider the scope and process for conducting dialogue across and within communities on the issue of 'honour crimes.' A summary of the discussion is set out below.⁴¹

- For many human rights activists, there are tensions in developing a religious discourse because of the sense of legitimising a paradigm in which they are neither comfortable nor competent. However, involvement in such a discourse is part of a long-term investment in social transformation.⁴² In many contexts, for example, it will be necessary to clarify that Islam does not condone 'honour killings' in order to obtain the political support of ordinary Muslims on the street and to mobilise them against the practice. Where there is a constituency which believes and trusts in religious leaders, and listens to them, it is necessary to engage with that leadership. This engagement requires a sound methodology and cannot be based simply on picking out elements that appear to support the desired position.
- The risks of engaging with religious arguments also need to be recognised. Such engagements may provoke certain figures into taking oppositional statements to the purposes or persons involved in campaigns to end 'crimes of honour.' Various forms of this problem have

41 The discussion was introduced by comments from Abdullahi An-Na'im.

42 See some of An-Na'im's writings on this in for example: 'The Dichotomy Between Religious and Secular Discourse in Islamic Societies,' in Mahnaz Afkhami (ed.), *Faith and Freedom: Women's Human Rights in the Muslim World*, London: I.B.Tauris 1995, pages 51-60.

already occurred in some places, with such engagements provoking those asserting a 'religious' status outside a formal religious hierarchy, whether or not allied with particular political (for example, 'Islamist') tendencies or parties, to take hostile positions to increase their own standing in the constituency of religious conservatism.

- Different approaches will be needed in different contexts regarding the possibility and nature of cultural dialogue. There is a need to engage directly with the issue of culture-based support for 'crimes of honour,' as compared to — or as well as — religion-based support, and to explore the resonance of a secular discourse grounded in culture to oppose the practices. In Pakistan, for example, there is a certain space available within which intra-community dialogue can be fostered. It could be useful to open up a dialogue with tribal *sardars* or *pirs* who give shelter to women threatened by 'honour killings'. For many women the state-run shelter is very much the last resort, after these more traditional and familiar avenues of refuge have been exhausted. A number of tribal *sardars* recently gave a statement saying they would not use women as a form of compensation for murder, another example of space opening for dialogue on these issues.

- Furthermore, as the state tends to be responsive to the voices of community leaders, it is important to explore the extent to which those voices can be enlisted in the struggle against 'crimes of honour.' It may be that this dialogue has to employ the vocabulary of humanity and compassion, rather than sexual autonomy. It is important to remember, however, that the kinds of dialogue required within minority communities are likely to be very different from those where the community in question which condones or sanctions 'honour crimes' is part of a majority population, whether religious or ethnic. Other questions for consideration include how a methodology of dialogue could address conflicts and tensions within communities over the incidence of 'honour killings,' and even conflicts among the perpetrators, some of whom may commit such crimes under coercion (real or anticipated) from others within their families and/or communities.

- In its work on femicide, WCLAC (led by Project director Nadera Shalhoub-Kevorkian) has developed two intervention programmes designed specifically to respond to contextual sensitivities. The first, the 'dialogue tent', aims to help women to dialogue their positions and status in society after centuries of silence; the second, termed 'My Life on Trial', follows up the first and seeks methods of activating resources to prevent women from being excluded.

Advocacy and Media Strategies

Participants discussed their experiences of advocacy on 'honour crimes,' including working with the media, focusing on both negative and positive interactions. The following is a summary of the points raised and discussed.⁴³

- Media strategies and responses need to be developed in relation to different types of media (press and broadcast; international and national), and in light of the limitations of the media. Considerable caution is needed when working with the media on the issue of 'honour crimes,' which can easily be sensationalised, and where careless reporting can result in placing informants in serious danger. It was felt that those working on the issue could not avoid giving information to the national or local media, given that they are able to locate the information they need even without the help of women's or human rights groups. Also, involvement of these groups reduces the chances of a negative 'spin' being put on the information. A particular concern is with sensationalisation of the issue in the press. The combination of sex and violence involved in 'honour crimes' lends itself readily to lurid images and, in the case of the western media, cultural stereotyping, which can result in a backlash on the issue at a national level.

- In **Pakistan**, advocacy on the issue of 'honour crimes' has been conducted through domestic, regional and international networks and support mechanisms, usually around specific issues and incidents. With the print media, there is a greater possibility in directing the nature of information that is put out, through press releases or rejoinders or clarifications to misleading reports. Given the sensitivity of the issue, there is a need to be very careful about identification of organisations that provide such information. Frequently, alerts and statements are issued that are not actually the work of the named originator. Sensationalising of the issue has been a problem; the publication of photographs of men and women murdered in 'honour killings' almost entails a pornography of violence.

- In the **UK**, the media coverage of Rukhsana Naz's murder and the trial and conviction of her killers contributed to catalysing the establishment of the Home Office's Working Party on Forced Marriage. The media coverage was overwhelmingly positive, providing a space for women to speak out on the issue, and to put forward alternative constructions of

⁴³ The discussion was prefaced by presentations Aida Touma Sliman, Nafisa Shah and Sohail Warraich.

her case. In this case, it gave voice to the voiceless. A high degree of vigilance is needed to ensure quality coverage and to challenge the essentialising and stereotyping of minority communities – and the explicit cultural relativist arguments that deny women protection – which may be in evidence when the report is presented for public debate.

- In Palestine, activists have felt a need to monitor newspaper reports on the issue, since both overexposure and negative reporting – particularly the type of reporting that identifies the work as being ‘westernised’ etc. – can be damaging. There is also a risk that reports of such cases in the media may provoke copycat attacks.

- In **Turkey**, the media – particularly journalists with whom links have previously been built up, or who are broadly supportive of the issues involved in women’s rights – are a useful conduit to information about pending legislation and parliamentary proceedings. Such links enable information to flow in two directions, and also help activists, through their contacts with journalists, to track developments of relevance to work on violence against women.

- In **Jordan** Rana Husseini’s coverage of cases of ‘honour crimes’ contributed to raising awareness of and concern about the issues. In 1999 she was awarded the Reebok Human Rights Award in recognition of her work.

- Particular challenges are involved in working with the western and/or ‘international’ media on the subject of ‘honour crimes.’ Sensationalist images and analysis are in frequent use in this media, as are generalised or simplified explanations of the phenomenon of ‘honour crimes.’ The views of activists - those who purvey or convey the information and analysis regarding ‘honour crimes’ - will rarely tally with the views of journalists - those responsible for their wider dissemination in the media - and much is lost in the process of transference. When such material is broadcast or reported in the western media, there is a real risk of backlash from the government or the communities involved when such material is broadcast or reported.

- The media often want to interview the women concerned and organisations have to think carefully about how to deal with requests for contacts. One obvious rule is only to identify women as interviewees where they have stated their willingness to speak publicly about their experiences. Whether or not a survivor chooses to interact with the media may depend on her stage of recovery; some may find it an empowering experience. Some may give media interviews in order to

acknowledge publicly the organisations that have supported them or provided them with legal help or shelter. Support groups cannot prevent women being interviewed by the media; but they need to be sure that women are not agreeing to do this only out of a feeling of indebtedness to the organisation.

- On issues such as 'honour crimes', it is crucial to frame the context and the background for discussion of the phenomenon. Amnesty International has found it useful to organise trainings for journalists on human rights, to ensure they are aware of the complexity and context of particular issues. Building up connections with journalists can prove very useful. It is possible and arguably necessary for activist organisations to engage both with the state and the media, while maintaining at all times their institutional independence and autonomy.

The meeting concluded with a consensus on the need for greater communication and interchange between lawyers, activists and academics working to address 'honour crimes.' Participants made specific recommendations relating to the development of activities undertaken by the CIMEL/INTERIGHTS Project and also proposed initiating or building upon existing proposals for action-research and advocacy on 'honour crimes' at the various national levels.

