
Critical analysis of various issues regarding honour killing in Pakistan in general and in Sindh in particular

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Abstract

The importance of right to life from the view of Islamic law, International law and Pakistani legal system is undeniable. However most Pakistani people do not enjoy this right specially women as their life is not protected as study shows that every year approximately 1000 women are subject to death in the name of honour. Keeping the seriousness of this issue in mind, we conducted research on this topic with following objectives:

To show a brief picture of statistics of cases of honour killings

To find the out-come of cases of honour killings

To find out the state of implementation of right to life by Pakistani state

To figure out what are hurdles for Pakistani state in the implementation of right to life.

To find out solutions for the elimination of this issue

The research is empirical study of the honour killing for which we went to different villages and towns of eight districts of Upper Sindh. It highlights arranged marriages, rape, poverty, lack of awareness and non-implementation of relevant governmental laws as the causes of this problem. It also tries to find out difficulties Pakistani state face in the implementation of right to life. At the end, it suggests some recommendations for the solution of the problem.

Introduction

Honour killing is a burning issue in Pakistan. It is one of the main problems which women of Pakistan have been facing for centuries. It is among those issues which deprive women from their basic right, right to life. This is an empirical study for I selected different villages of eight (8) districts of Upper Sindh to find out answers of these questions. What are the causes of killing a woman in the name of honour, how many offences of honour killings (HKs) take place in one year in each district, how many offenders/killers have got punished and what are the impediments for the Pakistani state in the implementation of right to life?

Definition of honour killing

Honour killing is a killing of a relative especially a woman who is considered to have brought shame for family. In the view of killers of such women, her death brings back the respect of the family.

It takes place when a woman or girl found having sexual intercourse without marriage, or when she is raped or when she is not ready to get married a person whom her relatives have chosen. Even a suspicion of the woman's committing any of these transgressions can be sufficient to commit this crime by her relatives. No further clarification is needed. Usually woman or girl is killed by her brother, father or uncle. ¹

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Oxford dictionary has defined honor killing as it has been mentioned above.²

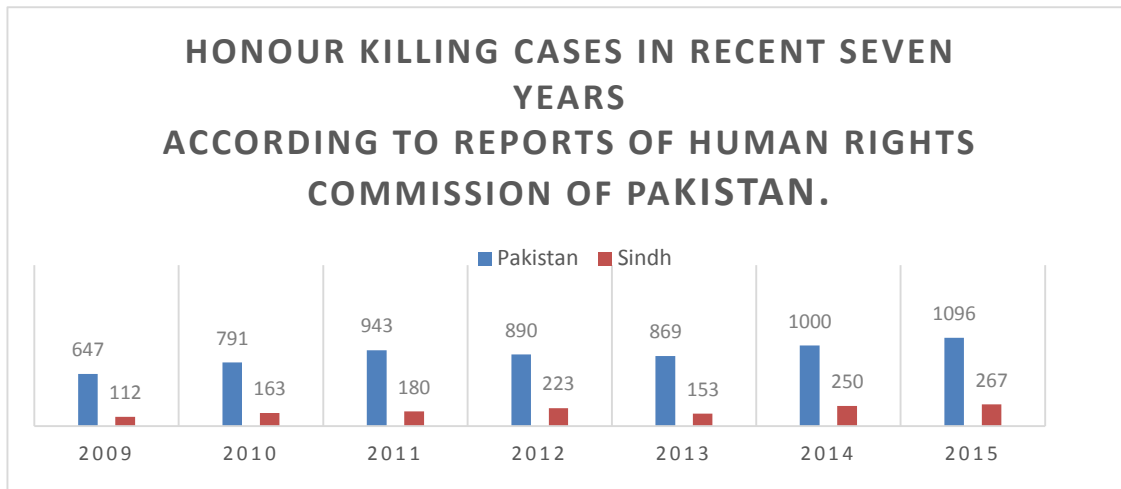
Karo kari

The actual phrase used for honour killing in Pakistan is karo kari ³

Same phrase is used in Sindhi language. In both the languages 'Karo Kari' means a 'black male and black female'.⁴

When a woman talks with strange man, then that man is declared Karo (black male) and woman is called Kari (black female).

Statistics of Human Rights Commission of Pakistan (HRCP) of recent seven years



These statistics show how common practice this is in Pakistan.

According to Human Rights Commission of Pakistan's reports In 2009 647 cases of honour killings were reported in overall Pakistan and 112 cases in Sindh⁵. 791 cases were recorded in Pakistan and 163 in Sindh in 2010⁶. In 2011 943 women were killed in the name of honour in Pakistan and 180 in Sindh⁷. 890 cases of HK were seen in Pakistan and 223 cases in Sindh in 2012⁸. 869 women were victim of HK in Pakistan and 153 in Sindh in 2013⁹. 1000 women killed in the context of honour in Pakistan and 250 women in Sindh in 2014¹⁰. 1096 cases of HKs were reported in Pakistan and 267 in Sindh in 2015.¹¹

CAUSES OF HONOUR KILLING

Arranged marriages

In Pakistan specially in rural areas, culture of arranged marriages dominates. Heads of family members sit together and they decide matters of marriage like who will marry whom in future. Even at the birth of girl her future husband is decided. It also has been observed that two brothers determine that their expected babies will marry each other. Hence their fate is decided at the moment of birth. Fixed marriages become problematic when babies reach the age of puberty and they marry according to their wish and especially the girl is killed when she marries according to her own wish.

Rape

If a woman is raped she is killed in the name of honour though she is innocent and she was raped without her consent but she is considered to have brought dishonor upon the family.

Lack of awareness

According to Islam (Hanafi School of thought) a major girl can marry a person she loves. There is no dishonor if a woman marries outside family.¹² Many people are unaware of this Islamic concept. This unawareness also is reason of honour killings

Lack of resources

Honour killing is more common in rural areas of Sindh. Most people of Rural Sindh are poor and destitute. They cannot provide basic needs to women and they kill women.

Property related issues

If a woman owns property her relative try to get her property by legal means. If they fail to get that by legal means they kill her.in order to escape from the punishment they use the excuse of honour killing.

Non implementation of relevant government laws

Behind the action of honour killing is the failure of government to take measures to implement relevant laws such as The Criminal Amendment Act, 2004 to prevent this action.¹³

Islamic perspective about honour killings

Islam gives every human right to life. Karo kari(Honour Killing) violates this right thus it is forbidden in Islam. Some evidences from The Qur'an and prophetic traditions which prove above statement that life is the basic right of mankind and killing person is a crime in Islam.

Right to life and Qur'an

Holy Quran chapter 4, verse 93 says that whoever kills a Muslim willfully, then his recompense is Hell.¹⁴

In chapter 6 verse 32 Allah says that whosoever killed a soul not to retaliate for a soul nor, for creating disorder in the land,then it is as if he had killed all mankind.¹⁵

Ahadith (prophetic traditions) and right to life

Prophet Muhammad (peace be upon him) said that all sins can be forgiven by Allah (God) but the sin of murder cannot be forgiven.¹⁶

On other occasion Prophet Muhammad (peace be upon him) said that your life and your properties are sacred¹⁷. These traditions tell us how life is important in Islam.

Declaration of the Council of Islamic Ideology¹⁸

One of the most important views to note in this regard is the opinion of the Council of Islamic Ideology.

The Council of Islamic Ideology declared that Islam does not permit anyone to punish his

relative while committing immoral activity. Islam does not allow anyone to take law in his hands though in that situation getting emotional is natural but he cannot kill his relative.¹⁹

Fatawa²⁰ of Binoria Town Karachi and Dar Ul Uloom Deoband²¹

Both institutions issued fatwa declaring that all practices of honour killing are against Islamic teachings. It is the responsibility of the state to give punishment such people. Therefore individuals should not take the law into their hands.²²

Misinterpretation and misconception of Islamic law

Killers of woman in the name of honour believe that they kill their women according to Islamic law because there is prophetic tradition that the blood of married person who commits adultery can be spilt.²³ While this law is only for Muslim states with strict conditions. An individual cannot punish anyone according to Islamic rules.

What does international law says about honour killing?

Honour killing is against the Universal Declaration of Human Rights, 1948 because according to article 1 all human beings are born free and equal in dignity and rights. Article 3 of UDHR gives right to life to everyone while this cruel action takes the life of women.²⁴ In Sindh forced marriages cause killing of women while article 16 of UDHR says that marriage shall be entered into only with the free and full consent of the intending spouses.²⁵

Honour Killing and legal system of Pakistan

Article 9 of the Constitution of the Islamic Republic of Pakistan says that life is the basic and fundamental right of citizens and no one shall be deprived of it.²⁶ Article 25 clause (1) claims that all citizens are equal before the law.²⁷

Responsibility of state

According to article 35 of the constitution it is duty of state to protect the marriage and the family. In Sindh love marriage is not acceptable. If a girl marries according to her wish she becomes victim of honour killing. State should fulfill its duty and it should protect all kinds of marriages including love marriages.²⁸

Pakistan Penal Code (PPC), 1860 and honor murders

The Pakistan Penal Code, 1860 lays down severe penalties for crimes committed against woman.

The Criminal Amendment Act, 2004

Amendment in Pakistan Penal Code, 1860 and Criminal Procedure Code was done through this act. It legally recognized honour killing as a murder for the first time. Punishment for the offender was enhanced from fourteen (14) years to twenty five (25) years through Article five. Ten years punishment was declared for the fixed marriages in Article seven.²⁹

Analysis of Qisas (retribution) and Diyat (blood money) Ordinance, 1990

Federal Shariat Court received several petitions regarding Pakistan Penal Code (PPC) claiming that its provisions related to murder and bodily hurt were against the Islamic rules. The court made objections on some provisions of PPC. The then government filed an appeal before the Shariat Appellant Bench of the Supreme Court. The five member appellant Bench unanimously gave decision that sections 299 to 338 of PPC, 1860 are repugnant to the injunctions of Islam. The Shariat Appellant Bench made it binding on the government to amend relevant laws. The government made amendments in above mentioned provisions in some provisions of Criminal Procedure Code (Cr.P.C). According to then government amended provisions are in accordance with the Islamic injunctions and judgment of the Shariat Appellant Bench of the Supreme Court. For example according to Criminal Procedure Code the heirs of deceased could not pardon the offender or enter into compromise with him while through this amended ordinance legal heirs can make a compromise with the offender or they can forgive the murderer in the name of God without getting any monetary compensation.

Qisas and Diyat Ordinance and civil societies' concern

International communities and civil society think that the biggest hurdle in the elimination of honour killings is Qisas (retribution) and Diyat (blood money) Ordinance. Here are their some arguments:

(1) They argue that under this ordinance, crimes in which human body is affected are not treated as crimes against state or society but they are considered offences against individuals. Thus the offender can escape from the arrest of the law.

(2) They strengthen their point of view with this that Qisas And Diyat Ordinance gives the legal heirs the right to compromise or forgive. This clause gives offender of honour killing the chance to be forgiven because in most cases the murderer is brother, father or uncle of the deceased and other heirs forgive them.

FIELDWORK AND EMPIRICAL STUDY OF THIS PROBLEM

I conducted fieldwork in upper Sindh for which I selected eight (8) districts of Sindh where this practice is very common. I went to these districts: Ghotki, Shikarpur, Jacobabad, Sukkur. Khairpur, Noshero Feroz, Nawab Shah and Larkana. These districts are well-known for the cases of honour killings.

Rationale of the study

All sources were almost secondary. There was need of empirical study. Instead of relying on secondary sources I tried to conduct fieldwork.

MATERIALS AND METHODS

I went to three villages/towns in each district. I met with people in Otaq (public guest rooms). I met approximately 840 people. Only 67 were women out of them. I set some questions in Sindhi language and I asked from them. People were very strict and not willing to give their opinions upon this issue as if they thought it attack on their custom and tradition but some of them were very kind and humble.

Objectives of the study

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MAJOR FINDINGS

Cases of honour killings

Twelve (12) to fifteen (15) cases of honour killing happen in each year in each district.

State of implementation of right to life by Pakistani state

I found out that Pakistani state is trying to implement the right to life by giving punishment to offenders. But the ration is very low as i came to know by research that only 18% perpetrators get punishment in each year.

deterrents for the state of Pakistan in the implementation of right to life

There are three deterrents for Pakistani State in the implementation of right to life: Patriarchal societ, Feudalism system and Jirga system.

Patriarchal society

HKs is one of the manifestations of patriarchy system.³⁰ Bell Hooks, an American author, feminist and social activist defines patriarchy as a social-political system that believes that males are inherently dominating, higher to everything and females are deemed weak, and they (men) have been provided the right to dominant and govern over females. In patriarchy system man dominates over everything. the thing is right if he thinks so and it is wrong if he sees so. And also he decides which action deserves punishment.

Hence, if a woman's behavior or deed is seen to threaten the patriarchal order, then she is punished and that punishment could be her murder. Therefore, state should take steps for removing patriarchal system in Pakistan in particular in Sindh.

Feudalism and right to life

The feudal system unfortunately prevails in Pakistan, specially in Sindh. Landlords have very strong effect in all cities of Sindh and all aspects of the lives of common people are affected by them. Government institutions such as the police, courts and district administration are controlled by them. There are many names for rural elite (feudal lords) in Pakistani languages like Wadero in Sindhi , Raees in Balochi, Sardar in Punjabi. Feudal lords enjoy power in democratic and dictatorial governments. Local Wadero (landlord) fully controls the local police station. The feudalism and cruel exercise of the power is one of the main factors that encourage honour killings.

Pakistani State and wadero

Feudal lords are members of legislative assemblies. They are ministers of different departments. They do not support steps taken by the government to give right to life to its

citizens thus those steps are not appreciated and rejected by the government.

Jirga System

Jirga system is also challenge for Pakistani state and Sindh Government because it is structure that supports HKs in Sindh. The Jirga is a decision making body containing on tribal men. It is a tribal council of justice which is actively practiced in Pakistan to solve legal cases and disputes. Local elites manage such type of council. These are composed only of men, particularly those who already are influential and inherited power within the community. A Sardar (tribal chief) or a Wadero (landlord) leads the Jirga who is unanimously agreed by both warring parties. Karo kari (honour killing) is not a crime according to Jirga but it is a legitimate action. The Jirga morally and legally supports a man who kills a woman to restore the honour and he regarded as a holder of honour. Women who have been killed are not considered victims rather than they are guilty according to Jirga. It encourages to kill women in the name of honour.

State's action

Pakistan has banned on the Jirga system unfortunately it could not be stopped till now. State should take strict steps to stop this cruel system.

SUGGESTIONS AND RECOMMENDATIONS

Here are some suggestions for solution of this problem.

Social awareness

As it was discussed earlier that lack of awareness causes this inhuman activity. Social awareness programs should be introduced and there should be a social awareness program in each district of Sindh monthly in which right to life should be highlighted and people should be informed regarding punishment of this heinous action and awareness should be spread regarding rule of law.

Equality of men and women

Patriarchy system is a root cause of honour killing. In this system men are dominated and women are controlled by men. This system brings inequality. Effective steps should be taken to rule out this system from Sindh and equality of men and women should be insured.

Elimination of feudalism from Pakistan in particular from Sindh

Feudalism supports honour murders. Their influence on state institutions and law enforcement agencies should be reduced police, courts and district administrations should be made strong and autonomous. If wadero (landlord) tries to get control of these institutions he should be punished so that it should be clear message to other waderas (feudal).

No more Jirga system (tribal council)

Jirga system promotes honour murders and it encourages people to kill their wives, sisters and mothers. Though Pakistan has banned this system but still it exists in Sindh. Strict punishments should be declared for those who organize these kinds of councils and

perpetrators should be brought in front of the court.

Proper government set up

Police, courts and district administration are not fully active for the rule of law. These institutions should be improved and they should play their active role for the rule of law especially for the right to life.

Role of religious entity (ulama)

People of Sindh give much respect to religious scholars (Ulama). Therefore ulama should highlight right to life in Islam and condemn those who commits killing in the name of honour in their Juma Speech (Friday prayer speech)

Role of mass media

In this context media can play a vital role in the elimination of honour killing. Media is the important source of spreading knowledge and information.

Local NGOs

Local NGOs have close contacts with the community they can educate people about human rights in particular right to life so that people know about the importance of others' life.

International NGOs

Pakistan is under developed country.Itneeds cooperation and help from International NGOs. They should come forward and take some efficacious steps for elimination of this barbaric.

CONCLUSION

Honor killing is very serious issue. This Research finds that arranged marriages, rape, poverty, lack of awareness and non-implementation of relevant governmental laws are the main cause of this problem. The study finds also that patriarchal society, stranglehold of feudalism in rural areas and influential waderas are deterrents for the state of Pakistan in the implementation of right to life. Some positive steps have been taken by the State of Pakistan to eradicate them and implement the right to life but they are not enough. Much work needs to be done by administrative authorities and local people. Pakistani state along with local and international NGOs and with the help of media and Ulma should aware people of significance of life and concerned authorities should ensure protection of life of its citizens specially of women so that no can courage to kill anyone. Culprits of honour killing should be sentenced some strict punishments. Pakistani society should cooperate with state institutions for the removal of impediments and hurdles in the implementation of laws.

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