

RESEARCH ARTICLE

Honour, Custom or Crime: Honour Killing in Pakistan

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Abstract: "Honour killings" refer to the deliberate killing of a person, usually a woman, because the perpetrator feels that the victim's acts have brought shame or disgrace to their family or community. Often, family members or close relatives commit these deadly crimes in an attempt to restore the family's reputation for honour. Honour killings can have a variety of reasons, but they usually centre on actions that are thought to go against social, religious, or cultural norms. These behaviours can include accepting an organized marriage proposal, dating someone outside of your group, or marrying someone from a different community. Sadly, it has been determined that Pakistan has a high rate of honour killings despite of attempts to prevent and discourage this practice through legal enactments and administrative actions. The paper aims to analyse the situation of honour killing relay on the number of cases decided by the Superior Judiciary in the years 2016-18.

Keywords: Honour Killing, Woman, Community, Family's Reputation, Social Norms, Cultural Norms, Pakistan

Introduction

Honour killing is a heinous crime committed in the name of honour, which is backed by traditions and occurs in many parts of the world, like the United Kingdom, India, Iran, Jordan, Brazil, Iraq, Mexico, and Turkey. Such killings are referred to by terms such as "honour killing," "femicide," and "crime of passion" can be seen all over the world. In the west, these killings are labelled as "crimes of passion" resulting from the violent behaviour of individuals, while in the east, they are known as "crimes of honour" arising from cultural and religious practises and beliefs (Patel, [2010](#)).

In most countries, the punishment for honour killing is not like the punishment for murder. For example, in Jorden, the law protects the perpetrators; if a close relative kills a woman caught in the act of suspicion of adultery, they can be exempted from punishment or be awarded a minimal sentence (Patel, [2010](#)). Exemption from punishment in cases of honour killing or killing a woman has become a global concern. As rightly said by the Secretary-General of the UN, "Impunity for violence against women compounds the effects of such violence as a mechanism of control. When the state fails to hold the perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence but also sends a message to society that male violence against women is both acceptable and inevitable. As a result, patterns of violent behaviour are normalised" (UN, 2006).

Honour killing is known by several names in Pakistan. It is called Karo-Kari, Siya-Kari, Kala-Kali, or Tora-Tora in various parts of Pakistan to denote the dark nature of the crime. All these names are given to a custom where a close relative kills a woman in the act or on suspicion of an illicit sexual relationship. This custom is misused to justify murders that are committed merely based on suspicion of a female seeking divorce or murder for ulterior motives. According to Justice Javid Iqbal, "under the law of this country, a man is considered justified in killing a woman member of his family if she is involved in an illicit sexual relationship." The criminal law places such offences under the category of culpable homicide, which does not amount to murder. It is used as a defence in cases of the intentional murder of an enemy. This is

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accomplished by separately murdering the enemy and one's close female relative and then placing their dead bodies together. It is then claimed that they were killed to vindicate the family honour "(PLD 1988 SC 537).

Pakistani Criminal Law

Pakistani criminal law was deafeningly silent on the crime of honour killing. Formerly, under section 302 of the PPC, the accused in a crime of murder was awarded less punishment by the courts if there was "grave and sudden provocation" in cases of honour killing. Though the term "grave and sudden provocation" has been removed by a criminal law amendment in 1997 (Criminal Laws Amendments, Act II, [1997](#)), the courts continue to accept violation of male honour as a valid basis for awarding nominal punishment in cases of honour killings. Here it would be expedient to reproduce the beautiful extracts of the observations made by the Honourable Supreme Court of Pakistan in the case titled Muhammad Akram Khan v. The State of 2009 as:

"Legally and morally speaking, nobody has any right nor can anybody be allowed to take the law in his hand to take the life of anybody in the name of "Ghairat". Neither the law of the land nor religion permits so-called "honour killing," which amounts to murder. Such iniquities and vile acts are violative of fundamental rights as enshrined in Article 9 of the Constitution of the Islamic Republic of Pakistan, which provides the right to life".

It is important to note that in our society, granting relief in "honour killing," that is, violence against women, will significantly increase such incidents, which are usually motivated by gaining property, obtaining the hand of a desired woman, settling old scores, and personal vendettas. Certainly, if such an act were approved, it would lead to an anarchic situation in society, and the lynching of women would become the order of the day (Umer Din v. The State, 2017).

In 2004, the legislative assembly amended sections (PPC 1860 Sections 299, 302, 305, 308, 310, 310A, 311, 316, 324, 337N, 338E), specifically relating to honour killing, by declaring the act as intentional murder in section 302(c) with a 25-year prison sentence (annexed as 5.1). It includes the following provisions:

Whoever commits qatl-e-amd (a) shall be punished with death as qisas or (b) punished with death or imprisonment for life as taazir, having regard to the facts and circumstances of the case". It further says that "if committed in the name or on the pretext of honour, the same shall fall within the ambit of (a) and (b), as the case may be" (Criminal Law Amendment Act, [2004](#), Section 3).

The Parliament of Pakistan took another step in the "Criminal Law (Amendment) Act, 2016" by making the offence of honour killing a non-compoundable offence with a punishment of life imprisonment. It states that:

If the offence has been committed in the name or on the pretext of honour, the punishment shall be imprisonment for life, (Criminal Law Amendment Act, [2016](#), Section 6).

Honour killing has become a daily affair. There are several factors that may have contributed to the commission of the crime but are rarely reported or tried in court. These are diminishing consideration and respect for women; the widespread concept that women of a family are owned by men; inadequate laws and flaws in the existing laws and their enforcement; limited convictions; judicial acceptance of mitigating circumstances in honour killing; delay in disposal of cases; non-cooperation of the community and families; negative attitude of police; lacunas in forensic tests and medico-legal reports; misinterpretation of Islam; and absence of social support. These are some of the reasons that very few cases were entertained by the superior courts (PLD, MLD, PCr. LJ, YLR, and SCMR in 2016, 2017, and 2018).

Data Analysis

It is the victim's father, brother, or close relative who kills a female in the name of honour. The question arises as to whether killing one's daughter or sister or facilitating killing one's daughter or sister is an act of

a desperate, hardened, or dangerous criminal. It shows the state of mind under which a person becomes so ruthless and callous that he takes the life of another human being regardless of their blood relationship. The act of killing one’s daughter is an act of desperation because a daughter, being physically infirm, cannot offer the required resistance to save her life. Besides, the father is the most powerful pillar supporting the protective shelter, and if it crumbles to the ground, it will annihilate their daughter. This practise has been specifically prohibited since the very inception of Islam, which was prevalent as a pre-Islamic custom, but unfortunately, it is painfully shocking that even today, in the era of modern technology, they are being followed under the pretext of "ghairat" (honour) killing.

In this era of women's emancipation and the realisation of women's rights, courts are required to have a broader interpretation of the words "desperate, hardened and dangerous" while dealing with the case of honour killing. In such instances, the girl was murdered just because she had contracted a marriage at her own choice, and nobody shed even a single tear or scream for the helpless victim who bled to death in front of her mother, brothers, and, above all, the father. The court declared it an act of desperate hardening and danger (Umer Din v. The State and others, 2017). Honour killing or murder in the name of honour (ghairat) is not a legitimate act. If such an act were approved, it would lead to an anarchic situation in society and the lynching of the accused would be the order of the day. Honour killing is a non-bailable offence under the law (Muhammad Akhtar v. The State and another, 2018).

It is a crime backed by culture and society in most of the countries. Several amendments were made to the existing legal system to prevent its occurrence. It is declared as an intentional murder and a non-compoundable offence in Pakistan. The reported cases from 2016-18 show that only 5 cases of honour killing were decided by courts, except for the Sindh High Court, where a combined decision of 87 cases was given on honour killing and the threat of honour killing . The courts remained strict in cases of honour killings. In one of the cases, the courts state that if one claims to be a citizen of this soil, then he, regardless of his status and power, cannot:

- ▶ Declare a woman as Kari (honour);
- ▶ Decide the fate of a lady who is awarding her death penalty on the pretext of honour.

And if such acts of violence are valid, they will lead to an anarchic situation. It is a major and invariable threat to society (Mst Rahman Bibi and another v. SHO, Karan Sharif and 8 others, 2016). The conviction percentage is very high in honour killings, as in 10% of the cases, the courts convicted the accused persons of life imprisonment. Long and short-term sentences, along with fines, were also granted. The acquittal percentage was only 27% in these years as shown in the table (PLD, PCr.LJ, YLR, SCMR of 2016-18).

It is a crime that has occurred throughout the world against women in one form or another. Every system has its own framework for the prevention and protection of women.

Statistical Analysis of Honour Killings in Pakistan (2016-2018)

Honour Killing Cases decided by Superior Courts

The study examines the distribution of honour killing cases across different superior courts in Pakistan for the years 2016, 2017, and 2018, with a focus on the total number of cases during this period.

Table 1

Court	2016	2017	2018	Total
Balochistan High Court	-	-	-	-
Lahore High Court	-	3	1	4
Peshawar High Court	1	-	-	1

Court	2016	2017	2018	Total
Sindh High Court	83	-	-	83
Supreme Court	-	-	-	-
Total	84	3	1	88

Conviction Percentage in Honour Killings

The outcome of the analysed cases in terms of convictions and acquittals is presented in the following table. The percentage distribution of different outcomes is provided based on the total number of cases, which is 88.

Table 2

Outcome	Execution	Life Imprisonment	Long Term Imprisonment	Short Term Imprisonment	Fine	Acquittal
Cases	-	10	35	19	64	24
Percentage Distribution	0%	11%	40%	21%	73%	27%

Observations and Analysis

The provided data sheds light on the distribution of honour killing cases among various superior courts in Pakistan from 2016 to 2018. Additionally, it highlights the outcomes of these cases, focusing on the distribution of different types of convictions, fines, and acquittals.

Discussion

Official statistics are quantitative data on a wide range of behaviours such as births, deaths, marriages, income, crime, work, and so on that are produced by local and national governmental bodies via their institutions and surveys (Payne & Payne, 2004; Bulmer, 1980). The main advantage of official statistics is that they have been gathered from large sample size to increase representation. It is also readily available and inexpensive. Sometimes, those statistics are the only sources available for a specific topic. These statistics are used for comparison purposes as they are produced regularly (Hagan & Hagan, 2000). The main disadvantage of official crime statistics is that they do not measure the actual numbers, as the relevant bodies do not consider the fact that not all crimes are reported, which decreases the ratio of crime in the data. These statistics may also be politically biased in showing how their policies will work out.

Honour killing is a prevalent custom in our society, and every day, innocent people are murdered in cold blood in the name of honour, which was abhorrent. To discourage honour killing, an amendment has also been made in the section on intentional murder, and a proviso has been inserted by the Criminal Law Amendment Act of 2005. According to the proviso, the alleged offence falls within the prohibitory clause. In such cases, the relief may be granted subject to such conditions as the court may deem fit (Ghulam Yasin v. the State and another, 2017).

Conclusion

Our claim of being members of civilised society, the dictates of pro-women Laws and even decrees of Shariah should have eliminated all said evils and there should have remained no single custom or usage degrading/lowering the status of women or depriving their guaranteed rights. Most of the offences against women are the result of so-called customs or usages that allow illegal and inhuman decisions to be taken in the name of honour, etc.

In 2016, Pakistan passed a new law aimed at strengthening penalties for honour killings and closing legal loopholes that had previously allowed perpetrators to avoid punishment. The law established a

mandatory life sentence for honour killings and removed the possibility of "forgiveness" from the victim's family as a means to pardon the perpetrator.

Efforts by various NGOs, human rights organizations, and the Pakistani government have focused on raising awareness, providing support for victims, and improving the legal framework to combat honour killings. However, changing deeply ingrained cultural norms and attitudes is a complex and long-term process.

In conclusion, the harrowing issue of honour killings in Pakistan stands as a stark reminder of the complex interplay between cultural traditions, gender dynamics, and legal reforms. Despite commendable efforts to curtail these abhorrent acts, they persist as a distressing testament to the challenges that society continues to grapple with. The country's journey toward eradicating honour killings requires a multifaceted approach that not only enforces stringent legal measures but also addresses deeply entrenched norms and inequalities. Education may also play a crucial tool in dismantling the foundations of this practice, fostering a new generation that questions and challenges outdated beliefs.

While strides have been made to enhance the legal framework, the battle against honour killings is far from over. Collaborative efforts involving relevant organizations, civil society, and government agencies are indispensable for creating a safer and more just environment for all citizens. The stories of countless individuals who have fallen victim to these tragic acts remind us of the urgency to transform society's mind set and cultivate a culture of respect, equality, and human rights.

Ultimately, the pursuit of a society free from honour killings demands unwavering determination and collective action. Only through persistent advocacy, education, and a commitment to changing long-standing norms can Pakistan hope to break free from the grip of this deeply distressing practice and pave the way for a brighter, more equitable future.

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