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Supervisor: Erika Svedberg
Assistant Professor
Malmö University, Sweden

Honour killings in Pakistan under Theoretical, Legal and Religious Perspectives

An Analytical Study of Honour killings Abuse and
Disconnecting Islam from This Ancient Brutal Tradition

Author

MUHAMMAD ZIA ULLAH
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Malmö University Malmö, Sweden

Abstract

This research sets out to examine the main excuses, often mentioned in connection to the so-called “honour killings” in Pakistan. In this way, the aim is to discuss the idea of “honour killings” by looking at trends and patterns in this kind of homicides in Pakistan. This study also explores what legal and judicial obstacles stand in the way of putting an end to the abuse of killing women in the name of honour.

The first part is mainly theoretical and analytical. In this part a set of concepts is theorized as the notion of patriarchy, public/private division and cultural globalization. These theories test the empirical data of “honour killing” in the last decade and try to find their role in the society of Pakistan. This study also analyzes the “honour killing” cases in a different way by telling stories. Second part contributes to the research regarding Islam the official religion of Pakistan. This section mainly concerns the status of women in Islam and their rights of life and free will to choose their spouses. This study also tries to remove the misconception in the minds of the West regarding Islamic teachings towards women.

This study proceeds mainly under the qualitative method with the supplementary help of quantitative method. At the end, the thesis bears some finding under the abductive technique. The results show that the tested theories have a significant role in upholding the ancient practice of “honour killings” in Pakistan, and Qur’aanic and Prophetic Islam has no link with the abuse of “honour killing” in general. It is ancient tribal phenomena that have entered in some cultural norms of the society.

Key Words: Honour killings, Pakistan, Islam, family, Women, Patriarchy, Public/Private Division, Excuses, Reasons, Cultural Globalization, Laws, Tribal, Customs, Traditions.

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Abbreviations

AHRC.....Asian Human Rights Commission

ALRC.....Asian Legal Resource Centre

CEDAW.....Convention On the Elimination of All Kinds of
Discrimination Against Women

HRCP.....Human Rights Commission Pakistan

PPC.....Pakistan Penal Code

U.S.....United States [of America]

Table of Contents

1-Introduction	1
1.1-Background	2
1.2-Purpose of Paper and Statement of the Problem.....	4
2-Case Study Design	5
2.1-Qualitative Research Method	5
2.2-Quantitative Research.....	6
2.3-Advantages and Disadvantages of the Methods	6
2.4-Data Collection	7
2.4.1-Documents	7
2.5-Deductive, Inductive and Abductive approaches	7
2.6-Reliability and Validity.....	8
2.7-Delimitations	8
3-Theoretical Perspectives	9
3.1-Notion of Patriarchy.....	9
3.2-Public/Private Division	10
3.3-Cultural Globalization or Westernization.....	10
4-Empirical Material: The Case of “Honour killings” In Pakistan	12
4.1-Pakistan and “Honour killings”	12
4.2-Statistical Background; Trends and Patterns of “Honour killings” in Pakistan	12
4.3-Defining “Honour killings” in the Context of Pakistan	13
5-Honour Killing Victims	15
5.1-Being Trapped Between Two Patriarchal Controllers.....	15
5.2-“Honour killings” In The pretext of Illicit Relations.....	15
5.3-“Honour Killings” As Punishment for Seeking Divorce.....	16
5.4-“Honour killings” After Rape	17
5.5-“Honour killings” As Punishment For Disobedience	17

5.6-“Honour Killings” under the Pretext of Property	17
5.7-“Honour killings” Based on Ethnicity	18
6-Analysis under Theories	18
6.1-Double Standards within a Society	18
6.2-Patriarchal Mind-Set and “Honour killings”	20
6.3-Rumors That Can Trigger “Honour killings”	22
6.4-The Patriarchal Division of Society and Its Implications for Violence Against Women	23
6.5-Globalization, “Honour killings” and So-Called Cultural Clash.....	25
7-Lapse in Legal and Judicial System.....	28
7.1-Two Parallel System and Notion of Provocation For Rampant Increase of “Honour killings” in Pakistan	28
7.2- Failure of Latest Amendment in Legal System Regarding “Honour killings” in Pakistan.....	30
7.2.1-Qisas and Diyat Laws lead to the public/private Division	31
7.2.2-Attitude of Government.....	31
7.2.3-Silence of Law Regarding Tribal Jirga or Community	33
8-Disconnecting Islam from Honour Killing Abuse	34
8.1-Islam and Women	34
8.2-No Patriarchy in Islam	36
8.3-Historical Roots of “Honour killings”	37
8.5-Misconception of the Perpetrators and the West	38
8.4-Different Religions in Pakistani Culture	38
9-Conclusion	41
Bibliography.....	44

Figures

Figure 1, Deductive, Obductive and Abductive Techniques..... 8

Figure 2, Female Victims of “Honour killings” and Karo Kari 13

Figure 3, Two Main Reasons For “Honour killings” in Pakistan..... 16

Tables

Table 1, Relation with The Victims 22

Table 2, Minority Female Victims in Pakistan 2004-09 39

1-Introduction

This section will present the introduction of the research, where the background and the purpose of the paper will be described. Then the description of the purpose and statement of the problem lead to the research question(s).

In the declaration of Human Rights, it is stated that everyone has the right of his/her own life, liberty and decision making. Men and women are both supposed to be free to use their decision making authority without the limitations of race, nationality, gender or religion. They have the right to marry or not to marry, to have children or not to have children. They are entitled to equal rights as to marriage and its dissolution under many international human rights conventions. As sketched in Universal Declaration of Human Rights 1948

”Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Ian, et al., 2006: 23).

CEDAW 1979 also concludes many things regarding women rights in its article 16, which states

”States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:” Here it elaborates in some sub sections as ”The same right to enter into marriage”, “ The same right freely to choose a spouse and to enter into marriage only with their free and full consent;”, “ The same rights and responsibilities during marriage and at its dissolution;” (Ibid 294).

In other words, marriage would be entered into only under the free and full consent of the attending or concerning spouses. However contrary to these Human Rights Conventions; women are still killed by their own family members for the sake of so called “Honour”. It is a global phenomenon today and can be observed in a number of countries such as Jordan, Afghanistan, Bangladesh, Brazil, Egypt, Palestine, Iraq, Morocco, Turkey, India and Pakistan. It also occurs throughout Europe and the U.S as well (Vitoshka 2010).

Amnesty International defines “honour killing” as a crime which is committed by male family members against a female relative, when the family believes that she has brought shame on her family and disregarded their honour. In many areas of the world, family honour is considered as a “social behavioural code imposed on women for the purpose of enforcing their inferiority and preserving male supremacy” (Smartt, 2006: 4). Honour crimes are generally committed, when women have chosen (or about to chose) her own decisions in a so-called “Western” style against the obedience of their family elders and choose her life partner. According to the United Nations Population Fund 5000 women are killed by the name of honour in each year throughout the world (Ibid).

1.1-Background

Pakistani Women face all kinds of domestic violence and abuse at the hands of male perpetrators’ family members and community, even today women are mutilated, beaten and murdered in ritual “honour killings” (Jehanzeb 2004). It is estimated that one fifth of the “honour killings” in this world are committed in Pakistan. Almost 1000 women are killed in the name of honour every year. Pakistan has a population of 170 million and about three women are killed each day for the sake of so-called honour restoration. In the society of Pakistan honour is a multidimensional term that has to do with the respect of family and social prestige. Losing honour by the female member brings disgrace and shame. Many acts are considered shameful, but nothing is more important than female chastity. “In honourbound societies, female chastity represents the family’s symbolic capital”. To defend and restore it, the offender female must be killed, in this society. This honour killing “redeems family honour and resurrects its prestige” (Knudsen, 2004: 2, 4).

Millions of women’s lives in Pakistan have been circumscribed by culture and traditions, enforcing extreme submission to father, brother, husband and any other male relative, Although under the exposure of media, the work of women's rights groups and the greater degree of mobility can be seen for women's rights awareness in Pakistan yet they often face more repression and violent punishment and death. The trend is that killings are on the rise at the same time as there is parallel increase of awareness of women rights. Officers of the state are indifferent to these crimes. The country's police force, the legal system and the community have ensured leniency for perpetrators of “honour killings” under the cultural and traditional excuses (Honour killings Report, 2010).

Statistics clearly show that the number of honour killing have increased in Pakistan. The Human Rights Commission of Pakistan Report 2008 shows that approximately 2000 women were killed in the name of honour in the years of 2005-08 and in 2009 it increased more than 647 in a year. This is a very shocking statistic while human rights activities for women rights are becoming fast. Same time, there is evidence of increasing “honour killings” in Pakistan. This violence is witnessed throughout the country in the name of culture and traditions (HRCP Report 2008).

This abuse occurs with shocking regularity in many areas of the Middle East, Europe and South Asia. Some have interpreted “honour killing” as a religious extension of traditional Islamic gender practices, where the female is bound to take care of the family’s honour under the so called patriarchy system of Islam. Hussain (2006) says. “As honor crimes occur predominantly, although not exclusively, in Muslim countries”. He also mentions that some Muslim countries have codified laws to mitigate the punishment for the murderer. Others have argued that honor killings are the antithesis of Islamic morality and consider it a cultural and traditional product. Hussain (2006: 227) codes it. “Honour is a deep-rooted traditional notion that originated in pre-Islamic eras in the ancient culture of desert tribes”.

Today, the hardest charge is often levied against Islam and Muslims, as Islam is to be misogynist and that fosters this phenomenon of honor killings in the eyes of the West. This un-religious practice comprises the murder of women or girls by family members. Women and girls suffer this because they have been seen as defiling or disobeying their families through real or alleged acts, such as illicit relations, her decisions to choose her life partner, premarital sexual relations or dating with the opposite sex. The fact however is that, the practice of “honour killings” has no sanction in Islam. In the case of dating, there is no punishment in Islam for a man or woman seeing a member of the opposite sex against the wishes of their families. Hence, to murder a girl or woman accused of one of these offenses is not any sort of Islamic punishment. Although a big majority of Muslim societies are free from such brutal practices yet these practices can be seen in some Muslim countries along with the other societies (Zaid 2007). So, it does not mean that Islam encourages the “honour killings” and it is the product of Islamic religion. It is important to research regarding the relation between “honour killing” and Islam, because, I am conducting research about a county which is an Islamic Republic. My discussion about the traditions, customs in analytical section, can be misunderstood by the reader that traditions, customs and concepts of the community and family regarding so-called “honour killing” belong to the true Islam. This paper also

contributes to actual teaching of Islam regarding women and their place in the society, focusing on their rights of life and decision making for their life partners.

1.2-Purpose of Paper and Statement of the Problem

Under the above discussion, the problem which I wish to understand and explore is the main excuses/reasons for upholding the ancient practice of so-called “honour killings” in Pakistan. This research will disclose the real factors of this phenomenon. Pakistan is an Islamic Republic country and has the idea of women rights in its religious and legal systems, so what are the excuses which do not let this problem end. This study would test the theories or the set of concepts and explore the main obstacles in the way of women’s decision making authority to choose their life partners. This endeavor also intends to bring about reader’s mind for the understandings of different kinds and motives of “honour killings” in Pakistan. This research would also contribute to the discussion of cultural and traditional discourse along with the domestic and international laws and answer the question. Why are the traditions of ancient desert tribes still practiced even though Pakistan’s Penal code was amended in 2004 to eradicate this abuse along with the ratification of International conventions regarding women rights?

What are some of the legal, traditional explanations for rampant “honour killings”, including factors that trigger this phenomenon in Pakistan? In a patriarchal society, how does patriarchy and public/private division play their role and is cultural globalization, decreasing male control over the family. At the end this paper would also investigate original root of “honour killings”, as some blame (according to Jafri (2008)) that “honour killings” are inspired by Islam. This research will be conducted in order to remove the doubt that Islam is triggering the “honour killings” factors. Although, Pakistan is a Muslim country yet many of them do not see the contradiction and conflict between “honour killings” and the teachings of Islam, (Jafri 2008: 4) so, this thesis would contribute to the discussion of Qur’aan and Hadith relating to women status and rights to understand the alleged connection between Islam and “honour killings”.

2-Case Study Design

This section will explain the research methodology, where research methods like qualitative and quantitative will be mentioned along with their advantages and disadvantages in the research field. Strategy as case study with the techniques such as inductive, deductive and abductive will be elaborated to deal with data and theories. Here the means of data collection will also be depicted. In this way, the reliability, validity of the research will be described. Moreover the delimitations of the research will be described at the end of this section.

A case study can be defined as a research strategy, an inquiry based on empirical evidence that investigates a problem within its real-life context. Case study research can be categorized by single and multiple case studies, comparative. It can also be helped by quantitative evidence, thus, they can be based on any mix of quantitative and qualitative evidence. Case study research method is often used in many areas “to contribute to our knowledge of individual, group, organizational, social, political and related phenomena” (Yin 2009). It often consists of detailed and intensive analysis of single case regarding community, school, family, organization, event or “events surrounding the media reporting of specific issue area” (Bryman 2008; 52, 53). So this research will contribute to the honour killing “events” in the analytical mode.

This paper is the qualitative research method with the supplementary of quantitative style. This research mainly intends to go for qualitative methods, because female’s voices are heard and reduced by qualitative research. Statistics are used here to express the actual situation regarding many elements of “honour killings”.

2.1-Qualitative Research Method

Qualitative research method is a kind of scientific research, where this method generally investigates some questions to produce findings by the collection of evidence. Some researchers stress on the important role of the testing theories in qualitative research. So today researchers have become more interested in qualitative research. The first step is generalizing the research question, and then there is a selection of relevant subject and moving towards the collection of relevant data. After that there is a theoretical and conceptual work and writing up finding under the theory. In this method, researchers are engaged in “purposive sampling”, which often consist of people, documents organizations (Bryman 2008). In this paper,

qualitative method would be adopted and documents such as books and articles will be consulted.

2.2-Quantitative Research

The main thing is the numbers and statistics, where this research is often described as presenting the static picture of social reality emphasizing on the “relationship between variables” and their change (Bryman 2008; 394).

The quantitative method is adopted sometimes with the main qualitative method “to infer from one case to larger population” (Silverman 2005; 128). It means to get information about the connected and relevant aspects of the population of the society this paper will bring the statistical data about the “honour killings” in Pakistan to analyze the case perfectly. I will collect the secondary statistical data from Human Rights Commission of Pakistan [HRCPP] and focus on the time period from 2004 to 2009 regarding so-called “honour killing” victims, offender’s relation with victim, victims from the other religions such as Christianity and Sikhism. The received statistics of Pakistan will be compiled in tables and charts by my own self to use as arguments in my analysis.

2.3-Advantages and Disadvantages of the Methods

Qualitative method has the advantages such as it generates the rich and detailed data in words. It is the method of theory emergent from the data collection, where theories can be generated or modified, which had been ignored by the previous researches. It has also been done in a natural setting instead of artificiality, where researcher provides the participants points of views. Along with the advantages of qualitative research method, it has some disadvantages. So usually qualitative method findings trust more on researchers unsystematic views, where he starts open ended and narrow down the problem gradually. It is criticized as subjective. It is also argued by the quantitative researchers that qualitative method is “difficult to replicate” because it is not concerned with the structured design, “problem of generalizing” means few people study only and the “lack of transparency” (Bryman 2008; 391,393).

Quantitative method is an objective method. It has the idea of measurement which has many advantages. In this method the researchers are mainly concerned with the generalization instead of confine to something for the conducted research. This method has also the numerical statistics, which are interpreted in short. On the other hand, quantitative research has the criticism, where quantitative researchers face the failure to differentiate social institutions from the natural world. The process of measurement based of artificiality and fake

sense of regularity and accuracy. This method has some hindrance in the way of connecting research and “everyday life” (Bryman 2008; 156, 159).

2.4-Data Collection

The main data will be collected through documents, as Bryman (2008) referred that qualitative research generates a large data in the shapes of media, transcripts and documents. Documents will be in the shape of journals, articles, books.

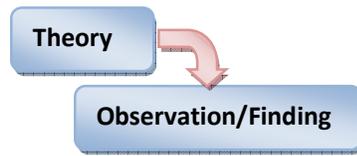
2.4.1-Documents

This is the main source of data collection in this essay, where research seeks to investigate the problem under some valid statistics, virtually provided by the human rights websites, argumentative text form the well written books, articles from journals and websites as well. There would be an attempt to consult web article and articles in journals to get the “events” of so-called “honour killings” as empirical evidence.

2.5-Deductive, Inductive and Abductive approaches

This theory represents the social science and research. In this theory the researcher deduces a hypothesis and tests it with the date of “empirical scrutiny”. In this way the researcher searches and collects the appropriate, relevant and proper data and tries to confirm or reject the hypothesis. On the other hand, inductive has the opposite direction of the deductive theory, which starts from data, observation then findings and creating a theory or concept. The theory is “outcome of the research” (Bryman 2008: 9, 11). Further, abductive approach has different meanings. It is called as "systematic combining" of deductive and inductive approach. However abductive approach has more influence of inductive approach. Abductive approach is fulfilled, if researcher is going to discover a new thing with the combination of both approaches. Here the researcher also runs back and forth between data and theory (Dubios and Gadde 2002: 559). This study relates to the abductive technique. Figure 1 is presenting the systematic way of these approaches. I create this figure under deductive, inductive and abductive theories.

Deductive



Inductive

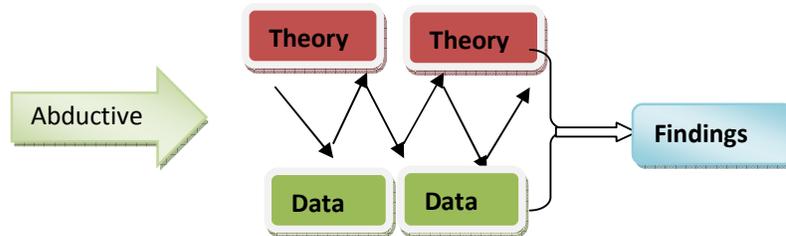


Figure 1, Deductive, Obductive and Abductive Techniques

2.6-Reliability and validity

It is often referred to the question, whether the results, which are got by study of some problems, are repeatable. Reliabilities are mainly concerned with the consistency of the measures. For external validity, which is referred to check the degree in which findings and conclusions could be generalized on social settings? It is also considered as an indicator or set of indicators, which are devised to measure a concept and does this devised gauge measures that concept really (Bryman 2008; 149, 151).

As for as reliability and validity of data is concerned in the society of culturally and traditionally structured, where incidences, victims and offenders of so-called “honour killings” cannot be accessed by researchers in Pakistan. So, researcher has to rely on materials previously written in the shape of books and article and also the data provided by some organizations and other professionals who are considered informants in “honour killing” matter. So, here the work of others, I mean secondary data will be consulted under qualitative method (Neuman 1999). In order to ensure the validity and reliability of data, I will try my best that if any other researcher would like to carry out same kind of research as I will do, he would get the same result as of mine under the same method and material.

2.7-Delimitations

This thesis has some bindings to narrow down the scope of the research to avoid the vastness the topic. Regarding cultural globalization, which has a long area list (Manfred B 2003; 70), but the research is limited to some aspects such as values, ideas and beliefs under

cultural globalization. Sometimes “honour killings” occurred due to homosexual behaviour society where the same sex sexual relations are made (Birch 2008). This paper will not deal with this aspect. It will explore the “honour killings” based on opposite sex relation and in opposite it will be limited to the female gender especially. This research will not deal with the other violence against women such as sexual harassment, beating them, acid attack and stove burning, This thesis will also not talk about other Islamic aspects such as veil or dating, relation without marriage however it will explore the women rights in Islam regarding life and her choice to choose her spouse. This research will also explore legal factors for rampant “honour killings”. Further, research regarding women “honour killings” in Islam will be presented in the context of Qur’aan and Hadith (Sayings of Prophet Muhammad Peace Be Upon Him).

3-Theoretical Perspectives

The following section will outline the set of concepts, which will form the base of this research. The each concept such as patriarchy, public/private division and cultural globalization will be discussed briefly and shortly.

3.1-Notion of Patriarchy

The word patriarchy is from Greek word patria means father, arche means rule. It means a male head of a family who exercises autocratic authority on the other female member of family, in broad meaning a member of the ruling class, group of a society, because of their presumed capacity to exert control and women disregarded and supposed lack of control (Barlas 2004).

Kambarami (2006: 2) quotes.

“Patriarchy as a social system in which men appropriate all social roles and keep women in subordinate positions” Women are considered that they need men's supervision, protection, or control. It is also considered male centered phenomenon, in which the center of attention is the natural place for men and boys, and that women should occupy the margins.

Patriarchy can be seen in the primary stage in domestic sphere, the male child has been preferred to the female child. The male child is often thought superior, although he born after the female child, He is automatically considered the head of the family who control, protect and look after his sisters. The female gender faces further discrimination because after

marriage, she has to join another family. On the other hand the male child protects the survival of the family's good name through bringing some additional members into the family by his marriage. (Kambarami 2006: 3). This is the main and very much suitable concept or theory, which projects the violence actually and leads to the death of women by men in the name of so-called honour.

3.2-Public/Private Division

In this social world, public realm is defined as a sphere within life where people discuss or identify societal problems and by that discussion create political action. This sphere is comprised of the individuals and the groups of society regarding their common interests. On the other hand, private sector is considered, where individual can enjoy the authority without any intervention of public or governmental side, As Elshtain (1993) mentions about the division. "A public world of politics and a private world is familial". She also claims in contrast that the private sphere is actually the part of public sphere, because no private sphere can be existed without the public sphere in this social world (Elshtain 1993: 10, 12).

This division paves the way to the discrimination, as one sphere cuts off from the other one. In that time, it is considered that one sphere does not have any link to the other sphere. In private (family) sphere, where the male gender is assumed as the "master of the territory" impacts on the other members especially on female gender in the way of decisions and work allocation. They (men) cause the violations of rights in the private sphere regarding women. Public sector is considered as no jurisdiction in family matters. Man only holds all the authorities in domestic level, because violation of rights is neglected by the governments in private or domestic spheres (Okin 2000). So, men's violation against women is mostly seen in private and family sphere. This concept is also a suitable concept to examine the empirical material regarding "honour killing" crime in Pakistan.

3.3-Cultural Globalization or Westernization

To Manfred B (2003) the cultural globalization gives the meaning of the intensification and expansion of the cultural flow across the globe. Culture is very broad concept and frequently used for the whole activities of human beings. She gives the view points of the different assumptions and views by the hyperglobalizers and skeptics. Does globalization made the people more alike or more different around the world? The Optimistic (hyperglobalizers) argues that people are more alike today than before. She has given many examples. One of them is Mcdonaldization to describe the wide range culture of the fast food,

which is coming dominant more and more today throughout the world. She also said that today we are witnessing the rise of homogenized popular culture underwritten by the Western culture industry based in New York, Hollywood London, Milan, Western norms and lifestyles are overwhelming the vulnerable cultures. She also says about the ideological globalization. "An ideology can be defined as a system of widely shared ideas, patterned beliefs, guiding norms and values and ideas accepted as truth by a particular group of people" in this way she also adds that today the cultural globalization means the "loss of traditional meanings" (Manfred, 2003). So the point is that the norms of the society are changed by the cultural globalization.

Globalization also paves the way for cultural imperialism (Western Culture). The standardization of world culture, with local popular, trendy or traditional forms driven out to make way for Western television, music, food, clothes and films, has been seen by many scholars as the very heart of globalization. This fear that Western (including U.S) models are replacing everything else now spills over from the field of culture (Jameson, 2000). Hoper also describes that mostly religious and simple kind of skeptics who blame globalization as Americanization, capitalism, secularism and rationalism and especially Muslims think that globalization is nothing but the bombardment of the Western political and cultural Ideas (Hoper 2006). So this theory is related and suitable to explore that either there is actually bombardment of Western Cultural values, which invoke the women to reject patriarchal imposition in decision making or there is any other thing.

4-Empirical Material: The Case of “Honour killings” In Pakistan

Here the empirical data regarding “honour killings” in Pakistan have been collected along with the concept of “honour killing” in the context of Pakistan has also been defined. This section is also consisting of statistical back ground of “honour killings” from 2004 to 2009 in Pakistan.

4.1-Pakistan and “Honour killings”

Pakistani Women faces all kinds of domestic violence and abuse at the hands of the male perpetrators’ family members and community. Multiple forms of domestic violence can be found in the shape of spousal murder, mutilation, beatings; ritual “honour killings” (Jehanzeb 2004). “Honour killings” have been committed in all provinces and tribal areas of Pakistan with different names. It occurs in the name of Kala Kali; in Southern Punjab, Kara kari; in Sindh, Siya Kari; in Sindh, Taurtoora; in NWFP. Traditionally, “honour killings” are practiced as accusing and punishing the individuals for their illicit relations, extramarital sex, and disobedience of family for marriage, which defiles the family’s honour (Warraich 2005; 79). Mainly honour defilement is known with two major kinds such as “honour killings” and Karokari. So we will discuss the trends of “honour killing” abuse to know the actual situation in the Country.

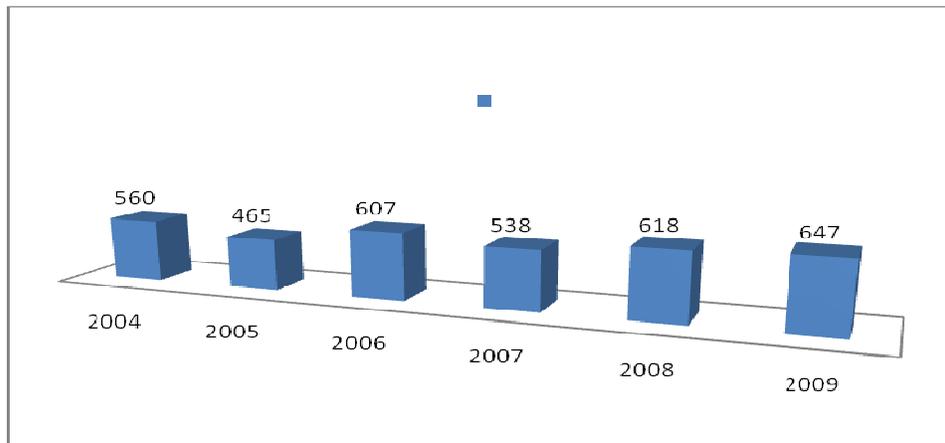
4.2-Statistical Background; Trends and Patterns of “Honour killings” in Pakistan

Despite the increase of official attention regarding “honour killings” in the year of 2004, one cannot find good and healthy outcomes regarding the issue of “honour killing” in Pakistan. There was an obvious increase of “honour killings” of females, who face this threat by choosing their life partner by their own free will. Statistics collected by HRCP describes the increase of “honour killings”, which hit the total of 560 approximately in the year of 2004. Same was the case with the year of 2005; when there was no evidence of a decrease in violence against women by the name of honour, more than 465 lost their lives to restore the family or community honour. There was an increase in 2006, when more than 600 honour

killings reported across the country. HRCP (2006) report says. about traditional, feudal custom karo kari which “continues whereby couples found in, or more often merely suspected of, adulterous relationship are summarily done to death by the family members themselves.” In this year the Jirga (a tribal justice system based on old customs) banned to register the honour killing cases at the police station and declared that whoever did this would be killed. The Jirga also mentioned that it is the part of people’s culture and also declared. “Same jirga had delivered a verdict stating the killing of a couple who had married of their own free will was permissible”. It shows that in a tribal patriarchal society, women are not allowed to use their own will for their own marriages.

This abuse continued with increasing trend and reached to the 638 “honour killings” approximately in the year of 2007, and 618 in 2008. Under the database of HRCP, “violence against women registered a sharp increase during 2009, despite low registration of gender-related crimes because of societal pressure and a biased and obstructive police force dominated by men. A total of 647 women were brutally killed in the name of .honour. (Including the cases of karo kari) and more than 757 were killed for some other reasons. The figure 2 is showing the actual trends of “honour killings” from 2004 till 2009.

Figure 2, Female Victims of “Honour killings” and Karo Kari



Figures 2 is compiled from HRCP (Reports and Statistics) (<http://www.hrcp-web.org/>)

4.3-Defining “Honour killings” in the Context of Pakistan

Honour can also be defined as social control of the members of society. This concept of “honour killings” is particularly related to the male’s feeling of shame. In this male

dominant world, it is his duty to keep the control over the female behavior especially in a domestic sphere to extend his imposition on the other gender. So, when he perceives that his control has been lost due to violent behavior of the female gender and would be extended to the community and the surrounding, he feels shame. To remove that shameful feeling, he does what the culture and traditions requires (Nancy V 1999), so when she bring shame by violating the honour norms and the whole family experiences shameful feelings so in that time the killings of women is considered an act of the purification for the family (Jafri 2008; 21). Human Rights watch describes honour crimes as “acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family. ” The “dishonourable acts” includes premarital sexual relations, illicit relations, seeking divorce, or being a victim of sexual assault or rape (Hussain 2006; 225).

Amnesty International describes “honour killings” as usually committed by a man often against a female in a family, when they (family) think that she has caused for shame on the family particularly for male members. “Honour killings” are found as brutal reactions within domestic and private sphere mostly in Asian and Middle Eastern, which consequently give the result of murder of women and sometimes their male friends, who have poisoned the *ghairat* (family honour). However mostly woman is targeted by her family under some different reasons, “including, refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce”. Only a single perception that female gender has acted to bring shame to the family is enough to harm or kill her. “Honour killings” can also target those who prefer any lovers, boyfriends from another religious or ethnic group or caste other than the family’s own. “Honour killings” have been practiced in order to clean shame, which the woman may have carried for her family by adultery or injuring the family reputation and traditional cultures. Men control within private sphere is critical and women who wish to confront such cultural tradition, are often murdered (Smartt 2006: 4).

5-Honour Killing Victims

This section presents some “honour killing” victim’s cases with some statistical details. This is the main empirical section which will be analyzed by the set of concepts such as patriarchy, public/private division and cultural globalization.

5.1-Being Trapped Between Two Patriarchal Controllers

The concept of disreputation of the male honour has extended, when he lost his control over a female relative. Sometimes women desire to choose a life partner and contracting a marriage with a person of her own choice in a society where the majority of decisions for marriages are taken by parents. Their acts are believed to be acts of disobedience. These practices are assumed to pollute the honour of man to whom that female belongs and who waits for a bride price at her marriage. Women and girls who marry men with their own choice sometimes take help and protection from state laws, and do against the traditional norms and brought shame for their guardians leading them to commit violence for the restoration of their honour. In a traditional notion, the arranged marriages are perceived as balancing of the society, so when females use their own decisions. It causes an imbalance in the society. Sometimes girls and women are killed, when they are trapped between many men’s decisions for their marriages. Different male relatives have different choices for their arranged marriages. She obeys one relative male. Consequently, she is attempted murder by other male relative. Nagina Bibi, a 17 years old girl was engaged with her cousin by her father’s choice, but her brother wanted her to marry his wife’s brother. Once, her brother saw her with the cousin and he burnt her alive. She was admitted to the hospital and her family told the doctors that it is only due to stove bursting at home, but when she came into conscious, she disclosed all the facts (Amnesty International 1999).

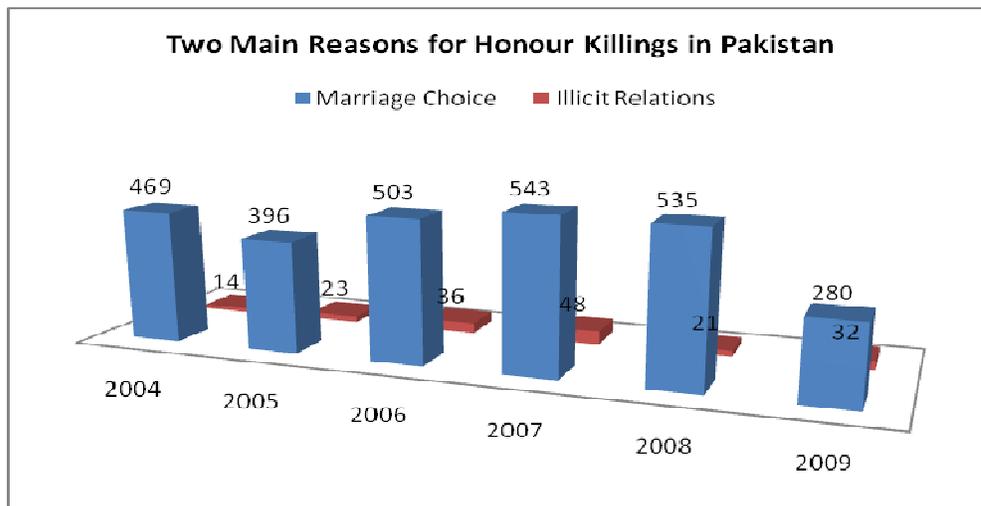
5.2-”Honour killings” In The pretext of Illicit Relations

Sometimes a woman is killed by her family or relative, because she is blamed of illicit relations with a guy. In 2007, an attempt to kill a fourteen year old Hooran was committed by her cousin. The reason was that she had illicit sexual relations with another man. She was shot by the pistol, but survived under medical treatment, when she was interviewed. She said that one of her cousins had wanted to marry her, but they were refused

and attempted to kill me for personal vendetta. She also insisted. “Following my parents' refusal, my cousins blamed me for having relations with Ghulam Ahmad, whom I had never seen” (Latif 2007).

HRCP statistics show that there is a devastating contribution in “honour killings” in the shape of own marriage choice along with the illicit relationship reason. The figure shows that in 2004 there were 469 victims of “honour killings” based on own marriage choice and 14 were due to the illicit sexual relation in Pakistan. The statistical chart in the figure 3 represents the a little bit up and down from the year of 2004 till 2009. The year of 2007 was the highest regarding own choice, but it decreased to some extent in the year of 2009, but it doesn't mean that here is a decrease of “honour killings” in Pakistan, If we compare the figure and the figure, where the year of 2009 is the highest of all in killings. It means that there is a decrease of “honour killing” in the area of own marriage choice. However increase in some other areas or due to other reasons. The other areas and reasons of “honour killings” are under mentioned.

Figure 3, Two Main Reasons For “Honour killings” in Pakistan



Figures 3 is compiled from HRCP (Reports and Statistics) (<http://www.hrcp-web.org/>)

5.3-“Honour Killings” As Punishment for Seeking Divorce

Sometimes women want divorce from their husbands because of some marital problems, but are killed, when they (women) try to seek legal help. This act brings the defilement for the family honour and some relative do the act of killing to restore the honour of family. In 1999 a 29 year old Saima Sarwar, a mother of two children was killed by her family, when she was in her lawyer's chamber, because Saima's family felt that her act for

seeking divorce by the court brought the shame and disobedience of family. Her lawyers were also threatened. In that time, some tribal and religious organizations demanded that the lawyers must be dealt with the iron hands, because they had been contributing in country's bad image by misleading the women (Hussain 2006: 226).

5.4-“Honour killings” After Rape

This type of “honour killing” is a brutal kind of killing, when a girl is raped without her consent; even then she is being killed by her own family, because she brought the shame for the family. In 1999, a mentally disordered 16 year old girl was raped by a clerk. They were apprehended by the police in a hotel. The girl was handed over to her tribal family. The tribe decided unanimously to kill her, because she brought shame for their tribe and family and “honour could be restored by her death”. She was killed before the community. On that time an NGO Sahil expressed, “it had been carried out not by an individual overcome with emotion, but by a community which sat in judgment and pronounced the victim guilty” (Amnesty International 1999).

5.5-“Honour killings” As Punishment For Disobedience

“Honour killings” sometimes occur on the pretext of disobedience in Pakistan. The member of the family of community, who commit killing of females are rarely punished and prosecuted by the laws. It also seems that if female is murdered in real or fabricated accusation against her. Her murder is considered rightful by the family member for the restoration of so-called honour. In this way, a little domestic quarrel leads to the killing on the name of honour, as it happened with M.s Shahul a 25 years old married lady in 2004. It was reported that in the evening they both (husband and wife) had a quarrel on a little domestic issue. At the same night, her husband shot dead her to restore his honour. F.I.R was lodged against her husband (AHRC 2004).

5.6-“Honour Killings” under the Pretext of Property

The desire to get the property or land is also a pretext for the “honour killings”. "Land is the main issue in Sindhi society", if she owns any property or land which is mostly an inherited property, her relatives kill her and use the pretext of honour killing. (Amnesty International 1999) In 2008, Tasleem Solangi 17 year old innocent girl was blamed of “Immorality” by her uncle in the way of extramarital relationship with a boy and punished by dogs and at last shot dead, but her father accused his brother that he killed his daughter under

a land dispute. So there was not “Immorality” in her behaviour, but was a pretext for land in her uncle’s mind (Felix 2008).

5.7-”Honour killings” Based on Ethnicity

Ethnicity is also the reason of “honour killings” in Pakistan. When a girl chooses her partner from another ethnic community is killed by the family. In 1998, Riffat Afridi a Pashtun girl eloped with another guy (Kunwar Ahsan) of other ethnic community and got married. The tribal Jirga called for their murder. “Both Riffat and Kunwar Ahsan should be killed as they had defied the will of the girl’s father and thereby dishonoured the family”. The story of this spouse is too long, but the point here that the ethnicity works here for defiling the families honour (HRCP 2002).

6-Analysis under Theories

This section begins with telling a fiction (based on my observation as a lawyer in Pakistan) relevant to the actual theme of this study. Then this section analyzes the actual case with this fiction and tries to convey some new ideas in an analytical way. Moreover, this section tests and analyzes the theories on the empirical cases of “honour killing” and explores the role of the concepts such as patriarchy, public/private division and cultural globalization.

6.1-Double Standards within a Society

Two businessmen were working in the locality of Pakistan. One of them had been making progress by leaps and bounds in his business. The Other one was not making progress. He looked a failed businessman in the locality. He spread the rumor that the products of the other businessman were not good or under the standards. He conspired against the successful businessman by forging products of bad quality and labels them as these products of the successful businessman. In this way, the progressing businessman had to face a great loss and other one began to make progress, because he got the contracts which were got by the first successful businessman before, When the successful businessman came to know about the actual conspiracy against him. He murdered the other businessman, because the other businessman spoiled his honour and good will in the society and he had to face the loss. So for his defiled honour, he killed the other businessman. He was arrested by the police and he confessed his crime, but also said that other businessman had brought his societal

honour into disrepute by spreading the rumor. He also tried to get the benefit of sudden provocation, but The Court punished him with the sentence of death under the section 302 (a) Pakistan penal code (1860) says;

“Whoever commits qatl-e-amd (intentionally murder) shall, subject to the provisions of this Chapter be:

- (a) Punished with death as qisas (similar hurt to the offender);
- (b) punished with death for imprisonment for life as ta'zir (other than qisas) having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or
- (c) Punished with imprisonment of either description for a term which may extend to twenty-five years”

The court did not accept his claim that he killed because murdered person defiled his honour. He also tried to make a compromise with the murdered family but they refused. The court only announced the adequate punishment for him in the shape of hanging till death. The community also appreciated this punishment and expressed the view that one should not kill the other only under the loss of honour or reputation in community or society.

Now we move the actual theme of study, where women are killed, because they defiled the honour of family by choosing her life partner or sometimes killed under the rumor of illicit relations. In the case of Saima Sarwar (Hussain 2006), who only demanded divorce from her husband because, she was ill treated by her husband. When her husband refused to give her divorce, she knocked the court's door and once she was sitting in her lawyer's chamber, she was shot dead. Her lawyers raised the voice for the punishment of the offender. In this way, many religious organizations and also the family of Saima Sawar became hostile to the lawyers and also tried to threaten them. The religious organizations and the family of the Saima Sarwar blamed them that they were “misleading” the women and contributing to the bad name of Islam and Pakistan. However, they are the ignorant people as were in the ancient desert tribes. Pakistani law and the religious teaching do not allow such kind of act. Despite registering the FIR on the same day against her mother and some others, no one is arrested to date (Hussain 2006). Beside this case, only nominal quantities of murderers are arrested in honour killing cases (HRCP Statistics). This obviously shows the double standards of the society and judiciary, who give the death sentence to the businessman but are reluctant to give maximum death sentence in so-called female honour killing case. Warraich (2005:

101) also agrees with my standpoint regarding double standard of judiciary and says. “The courts have been unwilling to move beyond applying S- 302(c) PPC in cases of honour crimes, thus continuing to refuse to apply the maximum possible sentence (death, which is applied in other murder cases)” while dealing with the same kind of murders. The businessman in above mentioned story and the offenders here in the honour killing cases committed same crime but businessman is sentenced of death whereas the murderers in women killings are not arrested, if arrested. They are released after some time, as Warraich (2005: 100) confirms this practice by saying. “First not all instances of” “honour killings” are registered and second a substantial proportion are compromised before reaching conviction, with most remaining cases.” Same is the practice today in Pakistan regarding this matter.

The story of two businessmen is based on my own observation as a lawyer in Pakistan. Society doesn't think about women's killer but only thinks about the businessman, who killed the other businessman under the honour defiled excuse. Although, both are same crimes within the same reasons, yet treated separately under same society and law, where all have their fundamental rights under the domestic and international laws. Double standards are also against the aim and objective of law, because, the purpose of law is to promote justice and to prevent injustice in the society (Frederic, 1998). Double standards for punishment in above mentioned story and the real victims of honour killings are against the objective law.

6.2-Patriarchal Mind-Set and “Honour killings”

Basheeran Bibi a female victim of domestic violence by her husband says;

“Pakistan was made only for the powerful and for the men. It was not made for weak and poor women like me” (Jehanzab 2004: 30). This reveals that in Pakistan the patriarchal practices are often practiced and established in the social institution of family, where boys and girls are differentiated and male are the only “breadwinners” and the head of the home, whilst women and girls are understood a creature other than human beings. Women are particularly defined as a dependant being on the men and subordinate to men (Ali 2009). On this occasion Fernandez (2009: 276) says;

“Their fathers and their brothers choose their husbands; they are closed up in their own homes and confined to domestic tasks”.

In the case of Nagina Bibi, who was engaged with her cousin by her father's choice, but her brother decided that she would marry with his wife's brother, but when once

her brother saw her with her cousin, he burnt her alive. Because, she challenged his patriarchal control and did not end meetings with her cousin. She was admitted to the hospital and her family told the doctors that it is only due to stove bursting at home. They all did this because it is considered that male is only important in private (family) sphere and have the control and authority to punish anyone, who challenges his patriarchal authority.

Further I agree with Ali (2009) that patriarchy is a tool with which the capabilities of the women and girls are underestimated. This tool paves the way to the discrimination within an institution and claims that the girls and women are different from the boys and men in every way. In fact the concept of patriarchy invokes a man to beat, punish rape and even kill women. It also tells women that it is their own fault if they are raped. Ali (2003) confirms that in some cases, girls who are raped are also killed by her family member to diminish the slain from the family honour.

In Pakistan, today patriarchy can be seen in many institutions such as in family, marriages work places, in mass media and in family (Ali 2009) as in the case of mentally disordered girl, who was raped by a clerk and murdered by the family and the community, because they thought that she brought shame to the family by being raped, In the case of Riffat Afridi (HRCF 2002), who was eloped with her lover of other ethnicity, her father said.” We don’t allow our women to be taken away or to go away. Whether she has eloped or was kidnapped, we will kill her”. So here in a patriarchal society, the rape or kidnap of girl was considered her own fault. “Even if she is victim of rape- is considered a disgrace to the culture and community” (Sheila and Croucher 2004).

The table 1 reveals the notion of patriarchy in the society of Pakistan, which some time leads to the women killing in the name of so-called honour. The available statistics and the annual reports of HRCF shows that in the duration of 2004 to 2009 approximately 675 girls and women had been killed by their brothers, 96 were murdered by sons, more than 200 females were the victims by the hands of their fathers and there were 1145 women, who were murdered by their own husbands in the name of so-called honour and Karo Kari. This shows the particular mind-set of the Pakistani society, where girls and women are killed to maintain the patriarchal control over the females. Nancy (1999) says that it is considered that it is men’s duty to keep the (Patriarchal) control over the female behavior especially in a domestic sphere to extend his imposition on the other gender. Mostly above mentioned “honour killings” cases covers the idea of patriarchy, where Saima Sarwar (Hussain 2006), was killed for challenging the control of her husband and applying for the divorce through the Court.

Nagina Bibi (Amnesty International 1999) was also the victim of patriarchal control, because she was caught between two patriarchal powers (brother and father). M.s Shahul's (AHRC 2004) murder also drives the intentions towards the patriarchal connection of murder, when she said something bad to her husband during the quarrel and husband might be thought that he had lost his control over his wife and she spoiled his honour, so he murdered her and spread the rumour of her illicit relations to someone else. The statistics in table 1 also verify the approach of Kambarami (2006), who claims that patriarchy does not mean that not only the eldest male of the family have the patriarchal control over family but also the younger male have the control over the elder females, as statistics justify the situation, where brothers and sons also murdered their sisters and mothers under the patriarchy notion. Kambarami (2006) agrees by saying. "if the male child is not the first born in a family, he is automatically considered the head of the household who should protect and look after his sisters." I think the meaning of look after is to keep an eye on them. And "If a sister has "lost her way" by say dating a man, killing her should be a right thing to do" (Detrick, and Viaardingerbroek 1999; 47). It reveals that in patriarchal societies even the dating of women with men can cause them death on the name of honour.

Incidents	Brother	Sons	Father	Close Relatives	In-Laws	Husband	Local Residents	Neighbours
"honour killings"	448	54	143	177	61	336	30	11
Karo kari	227	42	64	154	6	809	12	3

Table 1, Relation with The Victims

Figures in Table 1 are compiled from HRCP (Reports and statistics) (<http://www.hrcp-web.org/>)¹

6.3-Rumors That Can Trigger "Honour killings"

If we analyze M.s Shahul's (AHRC 2004) case, who was murdered by her husband due to disrespecting him. After murdering his wife, he claimed that she had relations with someone else and also disrespected him. He was arrested but later it was compromised in court and the murderer released without any punishment, because "the victim's family often

¹ Honour killings and Karo kari are separated here, because in some areas of Pakistan honour killings are known as Karokari and also the Human Rights website has compiled the data separately. Otherwise both are same.

compromises with the accused according to the Ordinance of Qisas and Dayat after receiving big pressure from the society” Domestic violence in Pakistan is measured for women as great disobedience. So some domestic violence in shape of honour killing is to punish a woman for perceived insubordination, which is considered that she has crossed the limits (AHRC 2004). It seems that this was a rumor which was spread by her husband that she had relations someone, but it is also cleared that they had a quarrel in the evening on domestic issue and wife might had said something wrong to him and her killed her at night to revenge his disreputaion and spread the news of her extramarital relations to some other guy. He was not sentenced and released by the compromise of the parties. One can easily find the double standards of the society and inconsistency of the law including judiciary, where one is sentenced and the other is released on the same kind of crimes. It is also fact that compromises are mostly found in female “honour killings” cases in Pakistan. Same is the situation with the Tasleem Solangi (Felix 2008) case, where uncle killed her niece in order to compel his brother to transfer property to him. They also spread the rumor that she had been caught with a guy and killed to restore the honour of the family. So, it means rumors work to kill the women and girls in Pakistani society.

6.4-The Patriarchal Division of Society and Its Implications for Violence Against Women

“Patriarchy also creates a division between the public and the private, between ‘world’ and ‘home’” (Ali 2009).

The keen study of the honour killing cases expresses the drawbacks of public private division which create the double standards in the society. Many acts are considered shameful in Pakistani society but nothing is perceived important more than women chastity in the society. Other kinds of honour have not such important. As businessman’s honour and the male’s honour in family are not the same. In public sphere when businessman kills the person, who defiled his honour, is considered wrong act by the society but on the other hand girls killers on the name of so called honour in a private sphere, are perceived good. It is all due to the public/private division concept in the society, where men have the absolute authority in private family sphere, as Okin (2000) says. “Master of the territory” she uses the word territory for the private sphere. Public sphere does not interfere here. Pakistani Women faces domestic violence and abuse in the shape of “honour killings” at the hands of the male

perpetuators' family members and community, Today women are mutilated, beaten and murdered in ritual "honour killings" (Jehanzeb 2004).

The United Nations Declaration on the Elimination of Violence against Women (1993) describes violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UNICEF 2000; 2). So any act regarding physical, psychological harm to women is considered violence, either this act belongs to private sector or public sector.

But in Pakistan mostly no public sector like government, police or the community interferes in the private act of so called honour killing abuse done by men mostly. One of the members of Parliament from the concerning area defended this killing by saying that it is the practice of "tribal custom" and also said. "These are centuries-old traditions and I will continue to defend them"(Shah 2008). Indirectly, he is accepting that men are the "Masters" of the family and they can do anything on the basis of honour defilement, as in the case of Saima Sarwar (Hussain 2006), where only the FIR was registered and police did not do anything remarkable in its public capacity (Hussain 2006).

Hussain (2006) also describes this usual situation.

Public perceives the police as corrupt. They often receive bribe from culprit and often sexually harasses women, who go to the police to report against violence that is committed by the male member of the family (Ibid; 234).

Due to the Saima Serwar case in 1999, this issue of so called "honour killings" was appeared prominently on the political agenda in Pakistan as a result of growing pressure the media, from NGOs, human rights activists, and UN organizations. On 21st of April, 2000, on the on the occasion of National Convention on Human Rights and Human Dignity, the chief Executive of Pakistan, General Pervez Musharraf, declared that abuse of "honour killings" would be punished as a murder case. (UNICEF 2000). He also said. "The Government of Pakistan, vigorously condemns the practice of so-called 'honour killing'. Such actions do not find any place in our religion or law" (Ibid: 6). The point is here that this so called private (family) issue where men are "Masters" of this sphere came in attention publically in 1999-2000, when Musharaff declared it as murder, but these practices continue to date. Particularly, when the statement of objective of the bill 2004 states. "issue of honour-killing and other honour crimes committed in the name of 'karo-kari, siyah-kari and similar

other customs has always been a matter of concern of human rights organizations and the public which has assumed more significance in the recent years" (ACHR Report 2004).

Figure 1 shows that "honour killings" have no decrease since 2004 particularly and the victims of this abuse have hit 647 in 2009, which are devastating figures. In these years, authorities are failed to bring this abuse in public sphere under the United Nations Declaration on the Elimination of Violence against Women (1993) Pakistani society looks today as Elshain (1993) says "a public world of politics and a private world is familial", where public killing (I mean the killing of businessman) is considered a murder and crime but in family women's killings on the name of so-called honour are not a crime but the "resurrection of prestige" (Knudsen, 2004: 4).

6.5-Globalization, "Honour killings" and So-Called Cultural Clash

Globalization process is considered often as the free flow of capital in an economic way, end of the trade obstacles between states. Here the intensification of cultural and political transformation and exchange has brought some of the most significant impact on women rights in the globe. But they experiences with the phenomenon of globalization are diverse and ambiguous. Globalization generated both positive and negative impacts regarding women's rights. There are some areas like race, religion, ethnicity, sexuality, age and family, where some women who have got some significantly benefits from current global trends in the way of better employment opportunities and autonomy, access to new technologies and appeared on the political scene. On the other hand, globalization processes have brought insecurity, exploitation and hardship for many other women, where they are mostly forced to make up for the shortfall of the labour. Women often receive low wages, poor working conditions enhancing the bad health of them; however globalization doesn't mean only the economic field. It has many dimensions like political, and cultural (U.N Human Rights Counsel Report 2009), where, women are marginalized by some ethnic, cultural or religious movement and communities. These movements and communities have their obvious agendas to undermine women's rights in Pakistan, because they misperceive it as "Western" ideas, spoiling their indigenous culture and religion.

The so-called honour killing cases are found in Muslim countries of the world mostly. This human rights violation occurs there due to the increasing tension between East and the West culture. The intensification of globalization of Western culture has added many opinions regarding women's rights, so these cultural clashes came into the scene, where many

women and girls are now rejecting the arranged and patriarchal marriages and making their own decision to choose their partners. These changes are bringing the anger in the minds of religious minded and indigenous cultured people (Lexington 2009). In the case of Saima Sarwar (Hussain 2006), when her lawyers tried to raise their voices against her killing and demanded to arrest the murderers, Saima's father and some religious organizations accused them that they are "Misleading" the women in Pakistan, because lawyers had filed a divorce case in the court against Saima's husband, who often mistreated with Saima. The religious organizations also declared that the two lawyers are not the Muslims but the "Kafirs" (nonbelievers). This case was talked in Senate and a senator Iliyas Bilour said that they were also fighting for human rights "but wonder what sort of rights are being claimed by these girls in jeans" this statement of the Bilour projected the cultural clash and hostility for Western culture, where he wanted to see Muslim women only at homes and covered in veil. Jafri (2008) also refers to such kind of feeling of a senator of Pakistan on the occasion of the resolution against the "honour killings" went to senate; he (senator) asserted that it was against the "hallowed customs" (Ibid). This statement of the senator reveals that how much they are attached and confined within their cultural and traditional limits. He used the word "hallow" In this way he tried to relate the custom with the Religion (Islam). But, he was totally wrong, if he intended this, because Islam does not project the custom or tradition of murdering of women. On the other hand, women's rights idea does not reflect the Westernization actually. Women's right of life is declared by Islam first. Syed (2008) refers to the sayings of Prophet Muhammad Peace Be Upon Him.

"Whosoever has a daughter does not bury her alive, does not insult her, does not favor his son over her, Allah will enter him into Paradise" The sayings of Prophet Muhammad Peace Be Upon Him shows that there were the trend of female killings in the tribal society before Islam and Islam prohibited them to kill girls and even to insult them. However, today there are many religious minded people or organizations, who think murder of females on the name of so-called honour as an Islamic culture, are on fault. May be they perceive that the concepts regarding right of life and decision making were derived from international West cultured laws and conventions. The article 3 of The Universal Declaration of Human Rights (1948) says;

"Everyone has the right to life, liberty and security of person." It had to adopt all member states of the United Nations and Pakistan was one of the member states of U.N (Jafri 2008).

And right of women choice in CEDAW 1979,

” The same right freely to choose a spouse and to enter into marriage only with their free and full consent” whilst” The same rights and responsibilities during marriage and at its dissolution;” CEDAW 1979 has been ratified by 185 countries (Amnesty International 2010). Pakistan ratified CEDAW in 1996 with the reservation that government of Pakistan would apply it if its sections are not repugnant to Islam and the Constitution of the Pakistan (Ian, et al., 2006).

These skeptics are reluctant to accept so-called Western norms. They should deeply think at least about above mentioned rights of life and choosing the life partner are purely matched and compatible with religion and the constitution of Pakistan. As above mentioned article 9 of the constitution describes about right of life and the article 25(2) is related discrimination. It says;

“There shall be no discrimination on the basis of sex alone” (Nishtar 2010: 2).

In the patriarchal society when a male does not let a female to use her own will to choose her life partner is considered discrimination under the discrimination definition. When a person treat someone else with less favour than the other in same situation and circumstances, is called discrimination (Bamforth and Malik 2008: 285).

As Qur’aan describes

“Never should a believer kill a believer” (Ali 2003).

And about choosing the partner

As Ibn Abbas (a companion of Prophet Peace Be Upon Him) stated that once a girl asked the Prophet Muhammad Peace Be Upon him that she was forcefully married with a man, so what right she had about it. The Prophet Muhammad Peace Be Upon Him replied that now it was her legitimate right to accept or reject the contract (Mitra, Kumar 2004). Under the above discussion, cultural globalization has influenced the Pakistani society both positive and negative ways. There are some ideas and values relevant to Islam and some are not matching to Islam regarding human rights. Skeptics, who consider that International human rights are the only the “Bombardment” of Western cultural ideas are not correct in their vision.

In Saima Sarwar (Hussain 2006) Case, seeking divorce from the bad husband was not a Western idea. It was her religious and legal right. However the religious organization (Skeptics) considered it a Western norm or idea by saying that Saima’s lawyers were “Misleading” women under the Western norms. Actually they feel fear of Western values as Jameson (2000) says that often skeptics fear of the Western norms, which are

replacing everything in the cultural fields. The religious minded skeptics perceive that the so-called Western women rights norms are replacing their own traditions and culture. As it was said that Saima's lawyers were "misleading" the women and senator says that it is against their "hallowed custom" to think against the honour killing practice (Jafri 2008). Manfred (2003) confirms their perception by saying that today the cultural globalization means the "loss of traditional meanings" To me this would be the loss of bad tradition and the reversal of true legal and Islamic norms in the society of Pakistan, when a female would have access to her legitimate right of life and free will under the state religion and law.

7-Lapse in Legal and Judicial System

This section will present the role of Legal and judicial system regarding "honour killing" abuse. It will also explore the two parallel systems in the country dealing with the human rights cases. Under formal legal system it will also discuss the latest amendment in law and obstacles in its way to meet justice. Further, this section will also analyze the attitude of the government under a fictional story.

7.1-Two Parallel System and Notion of Provocation For Rampant Increase of "Honour killings" in Pakistan

The abuse of so called honour crimes grows rampantly in a society where the patriarchal social structure resides. In Pakistan, the legal system is divided in two parallel systems regarding honour killing phenomena. One the criminal legal system consists of statutory laws in shape of legislative law and based of judicial rulings, while the other is tribal and local customs, where tribal leader announces the fate of women in honour related cases. The statutory law is mostly implemented in urban areas and rural and tribal areas have their own system to pass the decisions (Irfan 2008).

In legislative law, Pakistan has inherited English law in the country after the colonial time. Its penal code had the clause of "grave and sudden provocation" till before two decades, but in 1990, although it was omitted, however Pakistani courts introduced it again gradually in their interpretations of law, so this practice is continued to date and offender or convicted receives a nominal and more lenient sentence. But mostly this idea of grave and sudden provocation is used in honour killing cases (Hussain 2006).

Irfan (2008) describes judicial stance and rulings in different times regarding honour killing cases. He describes the case Mohd Yaqub Alias Ayyub vs State (PLD 1984 Lahore 358). This case was before the omission of the “grave and sudden provocation” law. In this case High court reduced the sentence of a man who had murdered a man and attempted to kill her sister, who was found with the killed man in a sugar cane field. The High Court stated. “Circumstances were sufficient to raise a genuine suspicion”. (Ibid) This provoked the mind of accused to kill them under the section of grave and sudden provocation.

. This law was omitted in 1990, but judiciary continued this. As Warraich (2005) mentions the case Ghulam Yasin vs The State (PLD 1994 Lahore 392), as same above a women was injured and a man killed by her brother and uncle, because they caught them in a “compromising position” In that ocean the Court said that “while the new law made no provisions for ‘honor killings’, the court was compelled to decide the case in light of the injunctions of Islam”. Thus the death sentence of both was mitigated to the five year imprisonment. I do not agree with this statement of High Court, because Islam does not projects “honour killings” and the notion of grave and sudden provocation at all, because, if any offence is committed, only the state has the authority to intervene. As later the ruling of Supreme Court cleared it.

Irfan (2008) also depicts the situation of this decade by the case of Muhammad Akram Khan vs The State (PLD 2001 SC 96) when the Supreme Court of Pakistan first time see the issue of so called “honour killings” in a different way. “The Court said that no one had the right nor should they be allow to take law into their own hands to take the life of anybody in the name of ghairat (family honour)” (Ibid) The Court also held that law and religion did not permit the “honour killings” and that under the article 8(1)of Constitution. “Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.” (Warraich 2005), so the so-called “hallowed custom” by the senator is void here under the constitution.

In Pakistan mostly people live in rural areas. In those areas mostly in NWFP, there are tribal councils, who are the first and final authority for making decision. These councils consist of only males. The court system is neglected there. So this presents a great threat to the justice system in Pakistan. As we can find it in the case of mentally disordered girl, who was raped and then her tribal jirga considered that she brought shame for them in the society and passed the order of her killing unanimously (Hussain 2006).

7.2- Failure of Latest Amendment in Legal System Regarding “Honour killings” in Pakistan.

The constitution of Pakistan states in its article 9 under the fundamental rights

“No person shall be deprived of life and liberty save in accordance with law”
(Hussain 2006; 242).

In 1999 due to the Saima Serwar (Hussain 2006) case of so-called “honour killing” issue appeared prominently on the political agenda of Pakistan as a result of growing pressure the media, from NGOs, human rights activists, and UN organizations. On 21 April, 2000, in the National Convention on Human Rights and Human Dignity, the chief Executive of Pakistan, General Pervez Musharraf, declared that abuse of “honour killings” would be punished as a murder case. He condemned. “The Government of Pakistan, vigorously condemns the practice of so-called ‘honour killing’”. He also stated that these kinds of actions do not find any place in our religion or law, but it took 4 years to pass a bill in the parliament (UNICEF 2000: 6)..

The bill of amendment in criminal law against so-called honour killing crimes was presented and passed in the parliament during 2004 and Musharraf signed it as the President of Pakistan in the start of 2005. It states the death penalty for the killer on the name of honour as maximum punishment, but opposition and the human right activists reject this amendment by saying “defective and incomplete”. Shereen Rehman the Minister in the parliament described and pointed out that this act did not address to the obstacles Qisas and Diyat (compensation) Ordinance, where this Ordinance gives the idea of “forgiveness” by the heirs of victim (Hussain 2006). In this occasion Saleem (2003) argues; “The real obstacle to the effective protection of Pakistani women is the attitude of the government itself”. So attitude and concern of the government must be in accordance with law.

Actually in 1977, when General Muhammad Zia Ul Haq came into power, he tried to develop the Pakistani society under the so-called his Islamic law. He declared many ordinances including the Hadd Ordinance, consists of Zina (Adultery) Ordinance. The purpose of this Ordinance was to punish the crime of extramarital relationships, where state could give the punishment of hundred lashes for an unmarried and death by stoning for married offender. But the heirs of the victim could forgive the offender by receiving blood money (Ibid). As the section 310 in Pakistan Penal Code (1860) depicts.

“Compounding of qisas (Sulh) in qatl-i-amd (intentionally killing): (1) In the case of qatl-i-amd, an adult sane wali may, at any time on accepting badl-i-sulh (mutual agreed compensation), compound his right of qisas (punishment of similar hurt)”. This law gave the opportunity to the offender that he could get nominal sentence or forgiveness in exchange of mutually agreement between offender and the victim parties.

7.2.1-Qisas and Diyat Laws lead to the public/private Division

ACHR report (2004) describes. “Most “honour killings” are usually committed by the close relatives- father, brother, son or husband of women”. They are forgiven by the same family member and released. Qisas and Diyat Ordinances are considered for the mitigation of sentence and honour crimes fails to receive actual redress. The heirs of the victim receive the money compensation from the killer in return of his forgiveness and state is bound under the statutory requirements to do in the favour of the victim’s family, so here in honour killing case the actual obstacle comes when a “A son could forgive his father for murdering his mother, a mother could forgive her husband for killing their daughter, a father could forgive his brother and so on” under the ordinance (Hussain 2006: 232), so, amendment of 2004 in criminal law regarding “honour killings” tried to bring the private act into the realm of public, however failed to address the real issue of Qisas and Diyat laws, where the act of killing is compoundable within the parities and judiciary and government have no interference when both parties are willing to compromise. In this way, the issue of killing in the name of honour remains in private sphere and within family one can easily compromise other member (killer). So within the formal legal system, There is a great need of taking initiative to redress the deficiencies and the honour killing cases should be bring in public sphere rather than confining them in family sphere by not giving to right to the family to forgive the offender in “honour killing” cases.

7.2.2-Attitude of Government

There were two cities separated by a forest in a country. The people of both cities often have to travel to the other city for their work, but there were some problems such as the road was muddy, there were dacoits hidden in the vast forest and they often looted the people, who passed by the forest. Sometimes people’s vehicle trapped in the mud due to the heavy rain. So they were facing many problems, while passing through the forest. They demanded to the state to help them in this regard. The state did not pay attention first, but when the other states and organizations put pressure on the state government that the situation

regarding passing through the forest was becoming dangerous by the passage of time, the state government took an initiative and made a smooth road through the forest, so that the traveling would be easy for the inhabitant of the both cities. People began to travel by the road, but mostly they were looted by the dacoits in the forest. People and some business organizations complained to the government officials regarding the obstacle in the shape of dacoits in the forest. They answered that we have done over duty well by making the smooth and good road and they also said that they properly resolved the problem. The people of the cities and the other state representatives argued that government was not assuring the rights of its inhabitants by giving them protection and justice. Victims of the dacoity were not compensated by giving punishment to the dacoits. Dacoits are bold now, because government has no concern with them. Government always makes lame excuses to not deal with the problem such as the forest is very vast and they cannot take action against dacoits properly.

Same is the case here with the amendment of 2004 regarding honour killing crime, which was presented and passed by the government under the pressure of human rights organizations and the other states. However the government did not think about the main obstacle in the shape of Qisas and Diyat act which was a problem beside the other problems regarding so-called honour killing crimes. Government of Pakistan is happy to make a nominal amendment in the law. It has no concern to the other problems, which are upholding the increase of so-called “honour killings” and offenders are bold to maintain the exercise of killing girls and women on the name of honour. They know that if they do this for the restoration of so-called honour, government, people and even the law will not be against them. The attitude of the story government and the Pakistani government is the same. They are happy by making road and amendment, but they are not concern with the main hindrance in the shape of dacoits and the Qisas and Diya act. Both are stopping the people to get their legitimate right of bodily integrity and right of equal punishment without any discrimination.

The representative of ALRC Saleem (2003) said in a report “The true attitude of the Government of Pakistan is betrayed in its reaction to the work of the Special Rapporteur on violence against women” and when the government is asked by the NGOs or other state to overcome this problem. They make excuses to avoid the matter. Saleem (2003) mentions such kind of Pakistani government. “Yet, when it comes to the relentless killing of Pakistani women by their men, the authorities have plenty of excuses. Some say that women's rights are irrelevant in this deeply patriarchal society. Others avoid responsibility by saying that people

are ignorant, and their attitudes can't change". The politicians state their excuses that they are powerless before the ignorant people, who are deeply connected with their customs.

7.2.3-Silence of Law Regarding Tribal Jirga or Community

In Pakistan, tribal or panchayat (justice system) system of justice is rooted to the traditions and customs. These systems have no any legal recognition in Pakistan except in some areas, but in those areas the system is quite male dominant and injustice particularly regarding honour restoration (HRCP 2002).

The HRCP report (2002) says;

“Interventions of tribal councils or *jirgas* affecting the rights to life and security of the person of men and women are not rare in Pakistan and the state’s acquiescence or connivance in such practices has frequently been reported”.

The amendment of 2004 in PPC about honour killing crimes is also silent regarding the punishment of such tribal jirgas, who are upholding the crimes on the name of so-called honour. It is evident in the case of disordered girl, who was raped by the clerk and killed by unanimous decision of the Tribal Jirga and in the case of Riffat Afridi (HRCP 2002), who was eloped with her lover and Jirga decided to kill both of them. The tribal jirgas play their parallel judicial role in many rural and tribal areas in Pakistan (Hussain 2006). Saleem (2003) claims that the government is tolerating the violence against women by permitting “an informal tribal justice system that punishes women without regard to conventional law or human rights standards” Actually, the system of Sardari (tribal head) was ruled out in the act of 1976. It says that it is the worst form for injustice and the human dignity and freedom. It is also against the equality, which Islam and the Constitution of Pakistan projects, but after many decades that system is still working in tribal areas.

8-Disconnecting Islam from Honour Killing Abuse

In this section, I defend Islam regarding “honour killing” crimes. So it is inevitable to research regarding the relation between “honour killing” and Islam, because, I am conducting research about the Country which is an Islamic republic. So my previous discussion about the traditions, customs in the previous sections, can be misunderstood by the reader that traditions, customs and concepts of the community and family regarding so-called “honour killing” belongs to the true Islam. Here, the study presents the status of women and their rights particularly regarding women right of life and decision making in Islam. This part of study also mentions the actual roots of this abuse and rejects the concept that there is any kind of patriarchy in Qur’aanic or Prophetic Islam, which permits them to kill female. Here the arguments are unanimous to the different scholars and majority of them do not deny the validity of the Qur’aanic and Prophetic sayings. Otherwise I collected arguments in the favour of my understanding regarding Islam.

8.1-Islam and Women

Today woman is still behaved as a second-class creature and deprived of various fundamental rights enjoyed by the male. They (women) have started a fight to get their equal status which unfortunately to date eludes them in the more modern Western states, They went to some extreme for raising voice regarding women rights, so the West regards Islamic women a weak and under the male dominance. In this way, the West considers Islam a misogynist religion. Contrary to West perception, Islam was the first religion, who contributed in women’s rights and their equal status. It was never known before. One could easily find the teaching of Islam under its Holy Book and the scriptures regarding women’s status both in society and family (Khan 2008). In Islam both man and woman have equal status in their economic, political and domestic sphere. A woman has no right to dispense of her husband’s property in the same way husband has no such right with regard to his wife’s property, even though she may be rich and he is poor. Both are free to choose or to take up any profession. In the Era of Prophet, Many women used to work in agriculture, tend animals, or sew cloths in home industries, or other trades. At the same time, women were nurses, who cared for those who were injured during the battles. Islam also deals with men and women equally regarding legal and criminal responsibilities. Both get same compensation or punishment in case of any crime or suffering in case of damages or crimes. In a domestic realm they both have same rights to choose their life partners. No marriage contract is valid

until the consent of man or woman is attained. The ignorant behavior towards female gender was found after the era of the rightly-guided Caliphs. “Such attitudes continued to stretch their roots in subsequent generations, until they have come to be seen as the right ones which must be followed” (Al-khayat 2003). So the patriarchal tradition of ancient tribal began again after the 30 years of departure of Muhammad Peace Be Upon Him.

Before Islam females were considered a commodity, which were sold and bought. This was Islam, who gave the idea of women rights in terms of their own decision to marry. In this way they became the equal partner of the marriage institutions. Teachings of Islam do not convey any ill-attitude towards women in domestic and in the sphere of society as well. For example, there was a practice of killing female infants before Islam, which is depicted by Qur’aan “And when the female infant buried alive is questioned, for what crime she was killed” (Qur’aan 81:8-9) (Mitra, Kumar 2004: 97). In condemning the attitudes of such parents who reject their female children, Qur’aan again says; “When news is brought to one of them, of [the birth of] a female [child], his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on [sufferance] and contempt, or bury her in the dust? Ah! What an evil choice they decide on” (Qur’aan 16:58-59) (Ibid). Under the verses of Qur’aan, same is the practice today, which is done by the ignorant people of the society on the basis of honour and shame. The only difference is here that they used to kill their females in their childhood, but now days this crime is committed, when they are teenagers. So feelings of shame by female exist today under the pretext of honour.

In Islam, Women also have the right to choose their spouse and marriages cannot be held religiously without her free consent. Ibn Abbas (a friend of Prophet Peace Be Upon Him) narrated that a girl came to the Prophet Peace Be Upon Him and said that her father had forced her to marry a man without her free and full consent. The Prophet (Peace Be Upon Him) Replied that now it is her legitimate right to accept or reject the contract... Here the words of girls are worth reading. She said: “Actually I accepted this marriage but I wanted to let women know that parents have no right (to impose a husband)” (Badawi 2003). The theory of married life in Islam is harmony and understandings with the natural dispositions of both the sexes. So if, the free consent of the female is not considered, harmony and understanding cannot be seen between the couple (Ibid).

Women have also the right to terminate the marriage along with the decision of the marriage. Further, in Islam, the good treatment of women reflects the true face of Islamic

character regarding women. A deep study of Islamic history uncovers and reveals woman's political rights along with the domestic rights. Women can be the part of public affairs instead of their confinement in domestic chores, where the males are considered "masters of the territory" (Okin 2000), who do not let them (women) go and participate in public spheres traditionally. In Islam no one have the right to stop a woman to take part in public activities. There is no public/private division in Islam regarding economic and political activities. Umar the second Caliph in Islam appointed a woman to keep eyes on the affairs of market places (Mitra, Kumar 2004; 99). In his rule, in a general meeting women rejected the Caliph's notion regarding a problem, which was being discussed there. The Caliph said "The woman is right and Umar is wrong" (Badawi 2003). The true teaching of Islam emphasize on good treatment with women. For example, one Hadith says "Fear God and respect women," another narrates "the best person amongst you is the one who has the best attitude toward women" (Mitra, Kumar 2004; 99). These Qur'anic and Prophetic sayings present the true picture of Islam, where women are not considered a commodity for sex. In Islam she has the right of life and free use of her own will in many fields like choosing profession and partner. Women are not limited to the private sphere. Besides the household chores, they take part in politics, economics and professional fields and not under any male patriarchal control at all.

8.2-No Patriarchy in Islam

To Kambarami (2006), in patriarchy system men take all social control and role to keep the women under their subordination position and supervision and men are considered the center of the power. One can easily find this notion in Islamic societies, where male is considered a dominating element of society and its institution of family. In fact, the practice of patriarchal notion is before the existence of Islam and even Qur'aan and the sayings of Prophet Muhammad Peace Be Upon Him introduce the elements which weaken the patriarchal control in family. Their teachings say to destroy the tribal exercises which however have become the part of Islamic societies and mixed as a culture (Munoz 1993), because, patriarchy contradicts the Qur'aanic vision of the equal and reciprocal moral relationships. It also contradicts the vision of the relationship between husband and wife, as reflected in verse

"Among His signs is that He created for you from your own selves, partners, that you might dwell with them in tranquility and has made affection) and mercy between (these partners). Indeed in that is a sign for those who reflect. (*Ar-Rum* 30:21)"

Prophet Muhammad Peace Be Upon Him also said;

“Whosoever has a daughter does not bury her alive, does not insult her, does not favor his son over her, Allah will enter him into Paradise” (Syed 2008).

Here the Qur’aan says about the affection, mutual love and intimacy. This verse reveals not a relationship of any violence, killing, hierarchy or patriarchal control. Despite the dominance above mentioned Qur’aanic and Prophetic saying reveals that despite the male dominance in society and family, Islam has the notion of equal partnership and co-operation based on equality. In Prophetic saying the words “does not favor his son over her” categorically rejects the idea of patriarchal control in Islam, as Kambarami theorizes that in patriarchy a male child is given the superiority to the female child. However patriarchal control of male is often seen in the Muslim families in the world. Actually, when Arab tribal Society Islamized some fourteen hundred years ago, the tribes tried to preserve the notion of patriarchal control and structure by misinterpreting some verses of Qur’aan and labeled that it is an Islamic tradition (Munoz 1993). Today these kinds of patriarchal practices are still in Islamic traditions. Men or boys have been given superiority to the women and girls.

8.3-Historical Roots of “Honour killings”

The historical roots of “honour killings” are believed centuries back in the pre-Islamic era, which is called Dor-e-Jahiliyah (Ignorance Time before Muhammad Peace Be Upon Him). In those times, father often buried alive their infant daughters to end the possibility that they (females) would bring the shame for the family by their acts, when they would be young, as Qur’aan describes this pre-Islamic situation,

“When news is brought to one of them, of [the birth of] a female [child], his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain her on [sufferance] and contempt, or bury her in the dust? Ah! What an evil choice they decide on” (Qur’aan 16:58-59) (Mitra, Kumar 2004: 97).

In those times, people used to murder their female child to save their honour in the society. So Islam came and called for the eradication of this evil practice in the society, It obviously reveals that “honour killings” have (have) nothing with Islam that time. It was mixed in Islam as a culture. As Hussain (2006) admits this standpoint and says. “Honour” is a deep-rooted traditional notion that originated in pre-Islamic eras in the ancient culture of desert tribes”. He also claims that after the passage of time, the concept of “honour killings”

began to consider as a part of male life and they are bound to do this to save the family's honour (Hussain 2006).

8.5-Misconception of the Perpetrators and the West

There is a misconception in the minds of some Muslims that “honour killings” are the part of Islamic teaching. This misconception also motivate the minds of the West to think that “honour killings” are justified by Islam, as a father killed her daughter due to the alleged relations to a guy. Father (Abdel-Qader) said; “I don't regret it”. He also claims that he did this for the honour of Islam. (Guardian 2008) but Abdel-Qader has not proper knowledge about the teaching of Islam. It looks. He never read and studied the Holy Book, where no one can punish a crime (if committed) individually, as Hussain (2006; 14) refers to the teachings of Islam in the Qur'aanic words. “Never should a believer kill a believer;” and further depicts “Take not life, which Allah hath made sacred, except by way of justice and law” so this verse depicts that no one can go to the extreme to kill someone until the justice and law is fulfilled. The crime would be punished under the law, where only an authority of state is competent to punish if the all conditions are fulfilled by the evidences required in Islam (Hussain 2006). On the other hand, under the perspective blaming illegal illicit relation to a male, Islam suggests punishment by the state for both men and women, if the accusation is approved by the law, but mostly women and girls are only the victims and the targets of the “honour killings” in Pakistani society (Ali 2003).

All above mentioned rights regarding women and prohibiting of their killing by Islam clearly shows that this is not Islam, which instigate for violence against women. However the culture and traditions adopted by the Muslim people, so original (Qur'aanic) Islam is not an obstacle in way of women rights but the traditions and customs, which have been labeled as Islam as Muslims often practice.

8.4-Different Religions in Pakistani Culture

There are two types of tendencies. Some considers it (“honour killing”) an extension of traditional Islamic practice with gender. Others view it as antithesis of Islamic morality. Those who argue about the extension of Islamic traditions, they are mostly from the West, who are actually inspired by an extremist group Taliban, who are considered misogynist But, later view looks correct. Sen (2005: 46) claims. “It may have parallel in non-Islamic cultures”, so this phenomena exist not only in Islamic societies but also in other religious societies. Moreover, a deep study of teachings of Islam under the perspective of

Qur'aan and Prophetic sayings reveals that "honour killings" have nothing to do with Islamic guidance (Ali 2003). So, "honour killings" find no sanction from Qur'aan, and prophetic traditions, or law.

Hussain (2006) concludes about the main religions of Pakistan by saying that Islam Christianity, and Sikhism all promote chastity and obedience regarding females the same principles and ideas that perpetrators of honor killings try to impose by their acts. He also argues that the aim of these religions is to deter adultery, disobedience, and homosexuality, while these religions disapprove the behavior of self help killings, because "honour killings" itself is an act of capital punishment.

Table 2, Minority Female Victims in Pakistan 2004-09

Incident	Christians Victims	Hindus Victims
"honour killings"	16	2
Karo Kari	2	3

Figures in Table2 are compiled from HRCP (Reposts and Statistics (<http://www.hrcp-web.org/>)²

The statistics of Pakistan regarding "honour killings" show that only Muslims families are not committing this crime in the society. There are some other religious societies, where this problem exists. Table 2 clearly reveals that female stratum of minorities are also the victim of "honour killing". Statistics from 2004-09 disclose the situation that in six years eighteen Christian females had to pay for the family honour in shape of "honour killings" and Karo kari and five Hindu women were also killed in the name of "honour killings" in Pakistan. It means that it will not be fair to connect this phenomenon with only Islamic societies. Jafri (2008) finds that the particular family honour is also evident in Latin America, Mediterranean peasant societies along with Middle East and Asia. He also discovers that family honour and its redemptions do not seem to be confined to any specific kind of society class and cannot be confined to only the territory of Pakistan or sometimes misperceived by relating it to Islamic societies (Jafri 2008; 19). Engineer (1994) argues that once a husband slapped his wife in the era of Prophet Muhammad Peace Be Upon Him. She complained to

² Honour killings and Karo kari are separated here, because in some areas of Pakistan honour killings are known as Karokari and also the Human Rights Commission Pakistan website has compiled the data separately. Otherwise both are same.

the Prophet by her father. “The Prophet asked her to slap her husband back”. So the honour killing of a female is more than a slap, which has never permitted by Islam, because above mentioned rights in Islam regarding women completely talks about equality and against the killings of women. Jafri expresses his claim on the basis of his collected arguments “The Qur’aan as a revolutionary text, bestowed equality on females with males as no other divine text had done till then” (Jafri 2008; 131). He conveys that it is Islam, who gives girls and women the equal rights of decision making and life.

9-Conclusion

This section represents the Implications of the theories and the empirical data. Further this section describes the role of methodology and theories, along with the problems involved in testing theories.

Women in Pakistan are discriminated in a systematical way by law and society. Double standards of domestic laws trigger the phenomena of “honour killings” in Pakistan, where a businessman is considered a culprit, when he kills the other businessman in the name of honour. However the killer of woman on the name of so-called honour is given the lenient hand by the community and the law enforcing agencies. This abuse is colluded by the law enforcement officers and agencies to maintain patriarchal control of men on the society. Even, sometimes, The Courts of Pakistan permits the plea of “grave and sudden provocation” in honour killing cases although this was omitted in 1990 and no longer the part of law. In this way, the law enforcement agencies and the Judiciary try to reinforce the “honour killings” in the society by introducing the omitted laws in the cases of so-called “honour killings”. In the legal discussion of this problem, disagreement and dissonance is found between the legislative laws and the practices regarding the “honour killing” cases. This proves that the government of Pakistan wants to remain away from the private and familial sphere of the society.

In Pakistan, the concept of the patriarchy is deep rooted in the family institution of society, which permits to the father or brother to choose the fate of their daughter or sister in shape of forced marriages. Women and girls are killed on the name of honour, when the patriarchal controller perceives that he has lost the control are about to lose the control on the women. The “honour killing” cases of Saima Sarwar and M.s Shahul are the examples of loosing patriarchal control by the men. On the other hand, the statistics of “honour killings” justifies that the notion of patriarchy plays its evil role in shape of “honour killings” This patriarchy has the close relation to trigger this abuse, because mostly women are killed by father, brother, son and the other relative of the same family. In this way, patriarchy paves the way to the societal division of public and private. In private sphere women is considered a puppet in the hand of men, particularly in rural and tribal areas. They are confined to the household chores and men are the controller and the master of the territory. The public sector

often does not interfere in family matters, mostly in case of men's honour, because men are considered the ruler of tribal Jirga and family. They do not bear any interference from the law regulating agencies, because they misperceive that the laws regarding women right are from the West and against their cultural norms, but here it is argued that at least right of decision making and the right of life is purely matched with the country's constitution. Although Western norms and values are influencing on Pakistan women yet these (right of decision making and life) are Islamic norms, disappeared from Muslim societies before.

Both formal and informal justice systems have lapses in shape officers and courts lenient behavior towards the abuse of "honour killing" in Pakistan. The Qiyas and Diyat Ordinance is the main excuse to trigger "honour killings" and big obstacle in the performance of latest amendment 2004 in PPC regarding "honour killings". On the other hand, Jirga is consisting of men only and this system is often practiced without any legal permission under the customary ways. Jirgas represent the parallel systems for justice particularly in rural and tribal areas.

History tells that the abuse of "honour killing" is not an Islamic product. It has link to the desert tribes before Islam, so Islam has no sanctions for killings on the name of honour. Contrary to the West perceptions, Islam prohibits the killings particularly girls killings. Islam is not misogynist religion in its teachings. It calls for to stop the ancient practice of desert tribes of daughter killings It is the religion, who gave proper human rights to women some fourteen years ago. Qur'aanic and Prophetic sayings disclose the true Islam. Statistics speak that there are not only Muslims, who commit this crime but some others like Christians and Sikhs in Pakistan.

The previous governments of last decade took some positive steps to declare "honour killings" as a murder and by passing an amendment 2004 in the Pakistan Penal Code. However, the violence against women in shape of homicide remained high under some excuses, which are explored in this thesis. To eradicate this abuse from the society, Government should take concrete actions and deal with the offenders of "honour killings" with the iron hands by giving them exemplary punishment. The crime of "honour killing" should be considered a crime against state, so that the family could not compound the honour killing crime.

The increase of "honour killings" also tells that there is a parallel increase in rejecting arranged or patriarchal marriages. Although it is due to the bombardment of cultural globalization by the media yet the right of decision making for marriages and the

right of life are not from the West. These rights were sanctioned by Islam some fourteen hundred years ago. So this so-called cultural clash is leading to the revival of original Islamic culture regarding the women rights of decision making and life.

There are different rulings of the courts regarding “honour killing” crimes. However, the ruling of The Supreme Court of Pakistan in case of Muhammad Akram Khan vs The State (Warraich 2005) is hopeful. This considered “honour killing” a murder and declared that no one can take law in his/her hand to kill the women under the so-called excuse of honour defilement. However due to the politically instable systems in Pakistan and resistance of the people against the cultural bombardment of so-called Western ideas trigger the minds of men and custom bound people to commit the women killings. These are some excuses or reasons which do not let the ancient practice end. This study explores that state laws, Islamic notions and the CEDAW have the same vision for the women’s rights of life and free will. Today, there is need for practical initiatives to exempt Qiyas and Diyat ordinance for the “honour killing” crimes, so that no family member could compound the crime.

This research is made easy by the qualitative method mainly with a helping touch of quantitative method. The abductive technique is successfully used to explore and test the theories on empirical “honour killing” victims. In this way some new concepts such as rumors to trigger this abuse and double standard of legal system have been explored from the empirical material.

Bibliography

- AHRC. (2004). Pakistan, Another Honour killings. Case from Sindh. URL=
<<http://newsletters.ahrchk.net/qaumi/mainfile.php/Urgent+Appeals/83/>>. Viewed
April 15, 2010.
- ACHR Report. (2004). Confronting “honour killings”. *Asian Center For Human Rights*.
- Al-khayat, (2003). Woman in Islam and Her Role in Human Development. *World Health
Organization*
- Ali, Kecia. (2003).”honour killings”, Illicit Relations and Islamic Law. URL=
<http://www.brandeis.edu/projects/fsc/Pages/honorkillings.html> . Viewed May 2,
2010.
- Ali, Mubarak. (2009). Past Present: Patriarchy and Women. URL=
< [http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/in-paper-
magazine/the-review/patriarchy-and-women](http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/in-paper-magazine/the-review/patriarchy-and-women)>. Viewed May 12, 2010.
- Amnesty International. (1999). Pakistan, “honour killings” of Girls and Women. URL=
<<http://www.amnesty.org/en/library/info/ASA33/018/1999/en>> . Viewed April
13, 2010.
- Amnesty International. (2010). Countries That Have Ratified CEDAW. URL=
< [http://www.amnestyusa.org/violence-against-women/ratify-the-treaty-for-the-
rights-of-women-cedaw/ratifying-countries/page.do?id=1108262](http://www.amnestyusa.org/violence-against-women/ratify-the-treaty-for-the-rights-of-women-cedaw/ratifying-countries/page.do?id=1108262)>. Viewed
May14, 2010.
- Badawi, Jamal. (2003). Women In Islam. URL=
< [http://www.welltaken.co.uk/ Downloads/Women%20in%20Islam.pdf](http://www.welltaken.co.uk/Downloads/Women%20in%20Islam.pdf) >.
Viewed April 12, 2010.
- Bamforth, Nicolas. Malik, Malieha. Ocinneide. (2008). *Discrimination Law: Theory and
Context*. (London: Sweet and Maxwell Ltd).
- Barlas, Asma. (2004). *Believing Women In Islam, Unreading Patriarchal Interpretation of
Qur’aan*. (Texas: University of Texas Press).
- Bryman, Alan. (2008). *Social Research Methods*. (Oxford: Oxford University Press). 3rd ed.
- Birch, Nicolas. (2008). Was Ahmet Yildiz the victim of Turkey's first gay honour killing?.
URL=< [http://www.independent.co.uk/news/world/europe/was-ahmet-yildiz-
the-victim-of-turkeys-first-gay-honour-killing-871822.html](http://www.independent.co.uk/news/world/europe/was-ahmet-yildiz-the-victim-of-turkeys-first-gay-honour-killing-871822.html)>Viewed May 1,
2010.

- Bilkisu, Hajiya. (2009). Women on the Move. URL=
<<http://allafrica.com/stories/200903190807.html>>. Viewed May 10, 2010.
- Elshtain, Jean Bethke. (1993). *Public Man Private Women*. (Princeton NU: Princeton University Press).
- Dubios, Anna., Gadde, Lars-Erik. (2002). "Systematic Combining: An Abductive Approach to Case Research". *Journal of Business Research*. Vol, 55.
- Detrick, Sharon., Viaardingerbroek, Paul. (1999). *Globalization of Child Law*. (Cambridge: Kluwar Law and Taxation Publishers).
- Edward, Mickael., Gaventa, John. (2001). "International Networking for Women's Rights." *Lynne Rienner Publishers*.
- Fernandez, Sonya. (2009). "The Crusade Over the Bodies of Women." *Routledge*.
- Felix, Qaisar. (2008). Another "honor killing": 17-year-old Pakistani girl murdered. URL=
<<http://www.asianews.it/news-en/Another-honor-killing:-17-year-old-Pakistani-girl-murdered-13598.html>> Viewed April 5, 2010.
- Engineer, Asghar Ali. (1994). "Status of Muslim Women." *Economic and Political Weekly*. Vol, 29.
- Frederic, Bastiat. Trans, Dean, Russell. (1998). *The Law*. (New York: The Foundation of Economics Education, Inc).
- Guardian. (2008). My Daughter Deserves to Die for Falling In Love. URL=
<<http://www.guardian.co.uk/world/2008/may/11/iraq.humanrights>>. Viewed April 21, 2010.
- Harding, Sandra and Narayan Uma. (2000). *Decentering the Center, : Philosophy for the Multicultural, Postcolonial and Feminist World*. (Bloomington, IN: Indiana University Press).
- Hoper, Paul. (2006). *Living with Globalization*. (New York; Oxford International Publishers Ltd),
- Hussain, Mazna (2006) "Take my Riches, Give me Justice: A Contextual Analysis of Pakistan's Honor Crimes Legislation" *Harvard Journal of Law & Gender*. Vol, 29.
- Honor Killings Report. (2010). Pakistan - Researched and compiled by the Refugee Documentation Centre of Ireland on 5 February 2010.
- HRCF, (2002). Pakistan, The Tribal Justice System. URL=
<<http://www.amnesty.org/en/library/asset/ASA33/024/2002/en/293987eb-d812-11dd-9df8-936c90684588/asa330242002en.pdf>>. Viewed May 20, 2010.

- HRCR Report. (2006). State of Human Rights in 2006. URL=
<<http://www.hrcp-web.org/pdf/Archives%20Reports/AR2006.pdf>>. Viewed
May 3, 2010.
- HRCR Report. (2008). State of Human Rights in 2008. URL=
<<http://www.hrcp-web.org/pdf/ar2008.pdf>>. Viewed May 5, 2010.
- Ian, Brownlie. Guy, s. Goodwin-Gill. (2006). *Basic Documents on Human
Rights*. (Lodon; Oxford University Press).
- Imam Zaid. (2007). Islam and “honour killings”. URL=
<http://www.newislamicdirections.com/nid/notes/islam_and_honor_killings/>.
Viewed April 19, 2010.
- Irfan, Hannah. (2008). ”Honour Related Violence against Women In Pakistan.” *World Justice
Forum*,
- Jafri, Amir H. (2008). *Honour Killing: Dilemma, Ritual, Understanding*. (New York; Oxford
University Press).
- Jameson, Fredric. (2000).”Globalization and Political Strategies”. *New Left Review*.
URL=<<http://newleftreview.org/A2255>>. Viewed March 28, 2010.
- Jehanzeb, Noor, Muhammad. (2004). “Daughter of Eye: Violence Against Women in
Pakistan. “*Massachusetts Institute of Technology*.
- Khan, Zafar Ullah. (2008). *Women In Islam*. (Islamabad: Islam International Publication
Limited).
- Kambarami, Maureen. (2006). Faminity, “Sexuality, Cultures: Patriarchy and Female
Subordination in Zimbabwe.” *University of Fort Hare*
- Knudsen, Are. (2004). “Licence to Kill, “honour killings” in Pakistan.” *Chr. Michelsen
Institute*.
- Latif, Amir. (2007). Honour Killing a Plague Pakistan. URL=
<[http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=116826553679
6&pagename=Zone-English-News%2FNWELayout](http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1168265536796&pagename=Zone-English-News%2FNWELayout)> Viewed April 23, 2010.
- Lexington. (2009). Factors That Lead to Honour Killings and Their Psychological Effects.
URL= <http://whyhonorkillings.blogspot.com/2009_04_01_archive.html> .
Viewed May 8, 2010.
- Manfred B, Steger (2003). *Globalization, A Very Short Introduction*. (New York: Oxford
University Press).
- Okin, Moller, Susan. (2000). *Feminism, Women’s Human Rights and Cultural Differences*.

- (Bloomington, IN: Indiana University Press).
- Mitra Singh., Kumar Bachchan. (2004). *Encyclopedia of Women in South Asia*. (New Delhi: Mehra Offset Press).
- Munoz, Gema Martin. (1993). "Patriarchy and Islam." *Universidad Autónoma de Madrid*
- Nancy V., Peter R., Beker. (1999). "Family Killing Fields: Honor Rationales in the Murder of Women." *Sage Publishers*. Vol, 5(2).
- Neman, W, Lawrence. (1999). *Social Research Methods: Qualitative and Quantitative Approaches*. (Boston: Allyn and Bacon Cop).
- Nishtar, Sania. (2010). "Women: Through the Governance Lens". *The News International*. March 8, 2010.
- Pakistan Penal Code. (1860). Of Offences Affecting The Human Body. URL=http://www.punjabpolice.gov.pk/user_files/File/pakistan_penal_code_xlv_of_1860.pdf>. Viewed May 7, 2010.
- Shah, Saed. (2008). Pakistan: Three teenage girls buried alive in tribal 'honour' killing. URL=<http://www.guardian.co.uk/world/2008/sep/01/pakistan%20.%20>> Viewed April 18, 2010.
- Saleem, Ali. (2003). Honour Killing In Pakistan, Oral Statement to the UN Commision on Human Rights. Asian Legal Resource Center. URL+ <<http://newsletters.ahrchk.net/qaumi/mainfile.php/0105/18/?print=yes>>. Viewed May 20, 2010.
- Sen, purna. (2005). *Crimes of Honour, Value and Meaning*. (New York: Zed Books).
- The Universal Declaration of Human Rights. (1948). URL = <http://www.un.org/en/documents/udhr/>>. Viewed April 12, 2010.
- Vitoshka, Diana Y. (2010). "The Modern Face of Honor Killing: Factors, Legal Issues, and Policy Recommendations." *Berkeley Undergraduate Journal*. Vol, 22(2).
- Welchman, Lynn., Hossain, Sara. Eds (2005). *Honour: Crimes, Paradigms, and Violence Against Women*. (London: Zed Books).
- Yin, Robert K. (2009). *Case Study Research Design and Methods*. (London: Sage Publications). 4rth ed
- Sheila L, Croucher (2004). *Globalization and Belongings; The Politics of Identity in a Changing world*. (Lanham, Md; Bowman and Littlefield Publishers Inc).
- Silverman, David. (2005). *Doing Qualitative Research*. (London; Sage Publications).
- Smartt, Ursula. (2006). "honour killings." *Justice of the Peace*. Vol, 170.

\Syed, Khalid Tanveer. (2008). "Misconceptions About Human Rights and Women's Rights In Islam." *University of Alberta*. Vol 39/2.

UNICEF. (2000). "Domestic Violence Against Women and Girls." *United Nation's Children Fund, Innocent Research Center, Florence Italy*.

U.N Human Rights Counsel Report. (2009). Report of the Special Rapporteur on violence against women. URL=
<<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.pdf>> . Viewed 8 May, 2010.

Warraich, Akbar, Sohail. (2005). "*Honour killings" and the Law In Pakistan*. (London; Zed Books).