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Tackling Honour Killings through Sexual and Gender Rights Advocacy: Recommendations for Policy and Practice

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EXECUTIVE SUMMARY

This policy brief will introduce the notion of honour killings, and highlight key obstacles and recommendations in tackling this long-standing issue throughout the Middle East and North Africa. This brief will also highlight some of the ways in which honour killings – because of their reliance on gender and sexual taboos – can be incorporated into broader sexual and gender rights advocacy strategies.

Honour killing is a term used to denote a form of gender-based violence in which women, often young and unmarried, are brutally murdered by family members for being allegedly involved in illicit sexual practices, therefore dishonouring herself and her family. There is no accurate or current data on honour killings statistics in the Middle East and North Africa due to their unreported and often overlooked nature, and the refusal of continued governments to address the issue.

Honour killings are often celebrated within communities as a symbol of 'cleansing', restoring 'honour' to a family that is shamed by the alleged sexual practices of women and girls. Moreover, almost every penal code in the Middle East and North Africa explicitly or implicitly upholds honour killings, leaving many killers safe in the knowledge that, even if they are reported, they will not be prosecuted. Therefore, this brief will argue for both a bottom-up and a top-down approach in addressing and raising awareness of honour killings. In the former category, grassroots efforts need to be undertaken in partnership with organisations on the ground to create safe spaces for young women, address accountability within the community, and hold workshops with men on the dangers of hyper-masculinity and its psychological effects. Furthermore, top-down approaches are two-pronged: on the one hand, workshops with doctors, lawyers, and the police must be held to increase their accountability in leaving cases of honour killings unreported and unprosecuted. On the other hand, the state and religious authorities must also be held accountable through media and political campaigns.



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Honour Crimes in Context

1. What is honour/honour-based violence?

Honour, referred to as *ird* or *sharaf* in Arabic, is characterised as a preoccupation with sexual purity and chastity, in which a woman is forced to preserve not only her vaginal hymen, but her ‘physical’ hymen (her appearance and actions), and her ‘social’ hymen (her reputation within the community)¹. The concepts of physical and social hymens prove to be just as dangerous as a biological hymen, as honour killings can also be instigated by gossip or rumours, as well as minor miscues, such as walking home alone with a boy or having an unfamiliar number on her mobile phone. There are even numerous cases of incestual rape leading to the death of the victim once she is found to be pregnant, as she has ‘allowed’ herself to be involved with forbidden sexual practices; moreover, the victim’s murder is often instigated by her rapist². Cases of honour killings are spread throughout the Middle East and Central Asia, with a multitude of cases occurring especially in Jordan, the Palestinian Territories, and Egypt.

2. Laws and legal issues surrounding honour-based violence

Legally, honour killings are specifically addressed in almost every penal code throughout the Middle East and North Africa, which all find their roots in the French and English colonial penal codes. The colonial French penal code states: “He who catches his spouse, his female ascendant, female descendant or his sister in the act (*en flagrant délit*) of adultery or illegitimate sexual relations with a third party and commits unpremeditated homicide or wounding against the person of one or the other of them may be exempted from liability”; this article is copied directly into several Middle Eastern and North African codes today. The current penal codes vary in a polarising spectrum between addressing crimes of honour and crimes of passion, with some penal codes, such as Algeria’s, limiting only reductions of murder sentences to cases of spouses catching their partner in the act of adultery. On the other hand, penal codes such as Jordan’s, condone murder on suspicion (*‘attitude equivoque’*) by the victim’s father, brother, son, or father’s brother by allowing them to receive a complete exemption from prosecution³. The dichotomy between strict penal codes limiting reductions only to crimes of passion - *‘en flagrante’*, and penal codes that cover the scope of the typified crimes of honour, exemplifies the struggle between tradition, culture, and modernity in legal codes within the Middle East and North Africa. Furthermore, several penal codes also contain supporting articles, such as Jordan’s Article 98, which states: “He who commits a crime in a fit of fury caused by an unrightful and dangerous act on the part of the victim, benefits from a reduction of penalty”, allowing judges to impart their own subjectivity on such cases, often deferring to entrenched cultural practices as a guide for legal rulings.

¹ Abu-odeh, Lama. “Honor Killings and the Construction of Gender in Arab Societies.” Georgetown University Law Center 952 (2010): 911–952. Web.

² Fisk, Robert. “The Crimewave That Shames the World.” The Independent, Independent Digital News and Media, 7 Sept. 2010

³ Abu-odeh, Lama. “Honor Killings and the Construction of Gender in Arab Societies.” Georgetown University Law Center 952 (2010): 911–952. Web.



Obstacles

There is a significant lack of data on honour killings due to their often tribal nature - as the victims' murderers are almost always family members, few murders ever reach the courts, and many are often written off as suicides. Organisations that focus on gender issues, such as the New Woman Organisation in Egypt, obtain data by searching police databases for suicides or unconfirmed homicides, and looking for any clues as to whether the death was in fact an honour killing. However, this data is clearly incomplete, as obtaining proof of the death being the result of an honour killing is difficult, if not impossible. Governments officially deny any reports of honour killings, leaving many young girls and women with no justice for their deaths. A systematic review of the literature on honour killings, undertaken by Andrzej Kulczycki and Sarah Windle in 2011, found only 9 articles which contained primary data on honour killings, obtained almost entirely through interviews, and 11 articles presenting original secondary analyses on the subject. Little has been written on the subject since, and there is no evidence of any government effort to combat this problem across the Middle East.

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Recommendations

Preliminary Planning and Research: these will be used in order to provide a clearer survey on current trends, attitudes, and statistics on honour-based violence in the region, as well as to implement long-lasting sustainable research tools. In particular, and given the important gendered and sexual nature of honour killings, CTDC recommends research is framed by our Sexual practice and Gender Performance framework, which seeks to encourage a more inclusive approach to gender and sexual rights advocacy in the MENA region.

- Encouraging national governments to include questions and surveys on honour-based violence in their annual domestic health surveys;
- Working with human rights and gender organisation across the Middle East and North Africa in order to compile and create a comprehensive record of instances of honour-based murders;
- Providing opportunities/funding for domestic organisations to conduct interviews and research across each respective country in order to provide a fuller picture of trends and attitudes towards honour-based violence, including possibly bringing unreported cases to light;
- Researching successful methods with which foreign organisations have utilised in educating rural areas across the Middle East and North Africa on certain 'taboo' traditional topics, such as female genital mutilation, family planning, etc.

Counter-action and Education: these should be tackled in partnership with a network of domestic and grassroots organisation, in order to eliminate any rejection of efforts due to their perception as Western or imperial.

- Hosting workshops with community leaders to address the role of the community in encouraging and perpetuating honour killings, working on deconstructing the hyper-masculinised environment in which men are raised to believe that it is their duty to cleanse their families honour, and in which a family's (dis)honor is burdened on the shoulders of its daughters/sisters/mothers (through the SPGP framework - bring gender into the conversation spontaneously to encourage inclusive conversation);
- Hosting workshops with religious authorities on delineating honour-based crimes as religiously required/permitted; take away the religious moral licensing that is given to those who commit honour-based violence (i.e. work with like-minded clerics etc.);
- Working with schools and teachers in identifying indicators of young girls and women under threat of being the victim of an honour-based crime;
- Creating awareness campaigns, raising awareness and prominence of the issue in policy priorities of targeted countries in partnership with media outlets and grassroots organisations. It is vital that homegrown and domestic activists lead so that efforts are legitimised and made more effective through a detailed awareness of context and language;
- Holding gender-focused workshops with men of all ages, focusing on deconstructing their gender performativity as 'protectors' of their female relatives' various hymens (biological, social, physical), as well as educating them on the psychological and emotional effects of their murder of a loved one;
- Creating safe spaces for women who feel as though they are under threat, coordinating with women's shelters in providing counselling and psychiatric support for victimised women.

Recommendations

Implementation and Enforcement: these should be focused as top-down, working with funders and international organisations to place pressure on the respective institutions by:

- Working with emergency medical technicians and coroners to accurately identify the cause of death before releasing a burial permit (necessary government document needed to allow for the burial of a body); this will enable greater accountability to raise any flags with police;
- Training police officers to identify signs of honour killings, through the creation of greater accountability and incentives to report cases of honour killings as such (instead of as suicides or 'undetermined' causes of death);
- Engaging in a dialogue with governments and police officials so that incentives can be clearly defined and effective (i.e. creating a system of discipline that would see officers suspended for misconduct or failure to properly report honour crimes.);
- Encouraging governments and International non-governmental organisations to put pressure on the legislative arms of the government to amend or delegitimise penal code articles relating to the exemption or reduction of penalties for honour-based murders;
- Enabling or encouraging community groups to put pressure on the legislative arms of the government to amend or delegitimise penal code articles relating to the exemption or reduction of penalties for honour-based murders.

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