

Honour Crimes in Pakistan

Unveiling Reality & Perception

Neha Ali Gauhar

Introduction by Fareeha Sultan



Copyright © CAMP 2014

Community Appraisal & Motivation Programme (CAMP)

Honour Crimes in Pakistan: Unveiling Reality and Perception

All rights reserved

Citation, reproduction or translation of this publication, in whole or part, for educational or other non-commercial purposes is authorised but with written permission, provided the source is fully acknowledged.

This manual is a compilation by CAMP and does not represent the views of the

Foreign Office of the Federal Republic of Germany

ISBN: 978-969-9534-10-2

Copies and more information available from:

P.O. Box 765

Email: rlpp@camp.org.pk & camp@camp.pk

Authors: Neha Ali Gauhar

Fareeha Sultan (Introduction)

Design & Printed by: Waya Communications, Islamabad.

Title Page: Rehan ud Din Khattak

Paper: EU, 100 gm, FSC certified

Honour Crimes in Pakistan

Unveiling Reality & Perception

Neha Ali Gauhar

Introduction by Fareeha Sultan



Community Appraisal &
Motivation Programme



Dedicated to resilient women of Pakistan who have suffered,
yet struggled against patriarchy, against conservatism, against
perpetrators of 'honour crimes'

FOR THEIR HONOUR

Table of Contents

Acknowledgments	1
Foreword	2
Executive Summary	4
Glossary	7
Chapter 1: Introduction	9
Chapter 2: Sources of Information	32
Chapter 3: Fundamental Human Rights	35
Chapter 4: Perceptions of Women’s Rights	49
Chapter 5: Honour and Types of Honour Crimes	64
Chapter 6: Access to Justice	89
Chapter 7: Impact of Honour Crimes and Way Forward	107
Annexure	117



Foreword

“Honour crimes’ is an international phenomenon, however, the practice is more widespread in Pakistan. The killing of innocent women is mainly due to inhuman, violent customary practices across Pakistan’s conservative society in the name of so called honour. The perpetrators easily get away due to loopholes in our legal structure. In addition, the mind-set of our male dominated judiciary and police contributes hugely to the plight of women - they support and sympathise with the perpetrators who murder to restore family honour.

On the other hand, the informal justice system is serving the rural and uninformed masses as a parallel justice system. This informal mechanism is inaccessible and biased against women and passes decisions in favour of perpetrators in most cases. Despite recent legislation protecting women in Pakistan, the mind-set of our patriarchal society remains unchanged. This atrocious practice of honour crimes violates all human rights standards enshrined in the Qura’an, Constitution of Pakistan and all international human rights instruments. However, customs and traditions, led and protected by the feudal, often prevail over formal judicial system in Pakistan’s conservative society.

While various programmes funded by government or international donors aim to empower women, they remain restricted mainly to urban areas where women literacy ratio is still higher and where women are empowered economically as compared to the rural parts of the country. Nevertheless, women led civil society organisations and women activists are confronted with numerous challenges from the feudal and religious clergy who see women empowerment against their culture and religion. Islam gives equal status to women however; the interpretation of Qura’an leads to many confusions, halting any intervention aiming to allow women, which make more than 50% of our population, to make their space in our society, to fight for their rights and contribute to the progress of our nation. The civil society, including media, has recently become vocal and is making headways to raise voices against the issue of honour crimes, educating the masses on the impact of this issue and striving to empower women, however, there is a need for organised and informed forum. At the government level, drastic measures are needed to fight this issue at all fronts and in all regions of Pakistan.

The subject of honour crimes became part of CAMP’s fourth phase of Rule of Law Programming in Pakistan (RLPP), which is being generously sponsored by the Foreign Office of the Federal Republic of Germany. The RLPP team had realised the need to contribute in curbing the grave issue of honour crimes while working on reforming the Jirga system in the third phase of the project.

The research findings of this Report portray a grim state of affairs and we believe that it would draw the attention of the policy-makers, judiciary and law enforcement agencies to bring drastic changes in the law and confront the crimes of honour heavy-handedly. On the other hand, this research provides a very solid data for

the UN, donors and civil society [including media] to design programmes and campaigns, which help empower women and eradicate the menace of honour crimes from the face of Pakistan. It also calls for changing of attitudes and mind sets, which is the responsibility of all stakeholders.

At the end, let me very proudly introduce the authors of this research who have tirelessly worked day and night to produce this report. Ms. Neha Ali Gauhar, the principal researcher and author of this study, is currently pursuing her LLM in **Human Rights, Conflict and Justice** from School of Oriental and African Studies (SOAS), University of London. She also holds a LLB (Hons) from Cardiff University, United Kingdom. She joined CAMP in 2011 as part of the 'Reforming Jirga' component of the RLPP. She has co-authored training manuals on 'Reforming Tribal Jirga System in FATA' and 'Reforming Tribal Jirga system through Sensitizing on Fundamental Rights in FATA' in 2011 & 2012. She also co-authored the research study, 'Understanding Justice Systems of Khyber Pakhtunkhwa, FATA and Balochistan: The Pakhtun Perspective'. At present she is working as Lead Researcher and Advocacy Coordinator in the 'Honour Crimes and Access to Justice' component of the RLPP, which includes national and provincial level policy dialogues to minimise the impact of 'honour crimes' through local stakeholders in Pakistan.

Ms. Fareeha Sultan authored the introduction chapter. Ms. Fareeha is currently serving as the Project Manager for the RLPP at CAMP. Ms. Fareeha holds a Masters degree in Mass Communication and M. Phil in South Asian Studies. She has over 10 years experience as advocacy and communication expert. She also has gained ample experience in project development, management and coordination. She has previously worked on projects addressing gender issues such as violence against women, women empowerment, women rights for sexual reproduction, women centered regional labour and social welfare issues. In addition, as a freelance journalist, her main focus was addressing issues and problems Pakistani women face.

This research study is the first step taken by CAMP to eliminate the practice of honour crimes and there are many areas that are left un-attempted or unanswered, however we believe that it will add to the available literature and will also become a resource for in-depth research.

Naveed Ahmad Shinwari
Founding Chief Executive
CAMP
March 2014



Executive Summary

According to United Nations Population Fund, around 5000 females lose their lives annually in the name of honour¹ all around the world and out of these approximately, 1000 women are killed in Pakistan per year. In other words, it means that 25 percent of the total honour killings in the world occur in Pakistan.²

Pakistan is mainly a patriarchal society where the majority of women are reliant on men, financially and in terms of protection.³ Consequently, Pakistani women have accepted these discriminatory practices, as their own inferiority and unconditional acceptance of their roles.⁴

Social, cultural and religious mind-sets, beliefs and norms prevalent across the country further strengthen this dependency and subscription to the prescriptive roles⁵ and restrict their contribution as a valuable human resource in the overall progress of society.

The focus of CAMP's 'Honour Crimes and Access to Justice' research study is the opinion of the Pakistani people from urban and rural backgrounds of all four provinces, to ascertain their opinion on key issues concerning the widespread practice of honour crimes in Pakistan. The report is based on both qualitative and quantitative data. For the **qualitative** information, 70 key informant interviews and roundtable dialogues were used to gather opinions. Background and historical material used in the report came from a review of historical books, newspapers, reports, articles, journals, and the experience of CAMP programmes. The **quantitative** data comprised of interviews of 2,140 adult male and female respondents through a structured questionnaire.

Key Findings:

- Regrettably, the majority in Pakistan, 63.88%, are unaware of human rights, which raises serious concerns regarding the lack of awareness and knowledge the common person in the country has about human rights.
- An overwhelming majority (81.4%) has no knowledge of International law despite the recent focus on international instruments by the media and state organs.
- 6 out of 10 respondents knew of the domestic laws protecting women, disabled and children.
- Surprisingly, close to 7 out of 10 respondents confirmed that they did not have any awareness of fundamental rights enshrined in the Constitution of Pakistan.
- In contrast, 9 out of 10 respondents were aware of Human Rights under Islamic *Shariah*. Interestingly, after further investigation, overwhelming majority of 90% (average) confirmed that they were aware of Right to Life; Rights of Non-Muslims; Rights of Children; Rights of People with Disabilities, and Rights of Women. The results signify that in comparison to fundamental rights protected by international instruments and national legislation, respondents across the country claimed to have more knowledge of the rights protected by Islam.

1 Navraten Singh Fateh, ' Honour Killing', University of Toronto, 2012.

2 Situation Analysis of Women and Children in Pakistan, National Report 2012, Unicef,, pg 118.

3 Diana Y, Vitoshka, "The Modern Face of Honor Killing: Factors, Legal Issues, and Policy Recommendations", Berkeley Undergraduate Journal, Office of Undergraduate Research, UC Berkeley, 2010.

4 Situation Analysis of Women and Children in Pakistan, National Report 2012, Unicef,, pg 121.

5 Phyllis Chesler and Nathan Bloom, ' Hindu vs. Muslim Honour Killings, Middle East quarterly, SUMMER 2012 • VOLUME XIX: NUMBER 3.

- More than 8 out of 10 Pakistanis confirmed that they have knowledge of women's rights. At the same time, more than 70% shared their dissatisfaction over the status of women's rights in Pakistan, raising grave concerns over the sorry state of affairs.
- More than 6 out of 10 Pakistanis expressed their lack of awareness on the International Laws that protect women's rights, such as 'The convention that obligates Pakistan to eliminate discrimination against women' (CEDAW) and 'The convention that obligates Pakistan to take measures to prevent torture within its borders' (UNCAT).
- More than 6 out of 10 respondents confirmed that they were aware of the laws that lay down severe penalties for crimes committed against women. In contradiction, the secondary data pertaining to violence against women reveals opposing reality of how men take the law in their own hands when committing violence against women.
- Surprisingly, 90% of the respondents accepted that they were aware of Islamic Laws protecting women's rights, however, it is suspected that the respondents might not have in-depth knowledge of principles of *Shariah*.
- An overpowering majority, 90% Pakistanis believed that lack of education/awareness was the main cause behind crimes of honour, followed by 84% who believed that poverty was the main cause, and 73% confirmed that discriminatory customary practices were the main cause behind crimes of honour in Pakistan.
- A palpable result of the survey reveals that more than 8 out of 10 respondents confirmed that family members were the main perpetrators behind crimes of honour.
- An average of half of the respondents expressed their distrust over support systems including emotional therapy, legal aid, access to justice and financial support, provided by the government to the victims of honour crimes.
- In regards to awareness of institutions, astoundingly, an overwhelming majority of Pakistanis (95%) confirmed that they were aware of the informal justice system (*jirga, panchayat, faisalo*, etc), followed by 75% who were aware of Superior and lower courts in Pakistan. This reveals that the populace has more knowledge of the informal justice system as compared to the formal legal system.
- More than 9 out of 10 respondents, who were affected by honour crimes, stated that they preferred to resolve the issue within the family to avoid further violence and in order to protect their family honour. Whereas, 50% shared that they chose not to react or report the crime. Only 10% of the survey respondents had the courage to access the formal justice system for redress.
- Majority showed their dissatisfaction over the fairness and effectiveness of the informal justice system when dealing with the crimes of honour.
- More than 70% respondents believed that victims find themselves in physical illness, psychological problems, social boycott and economic deprivation when experiencing crimes of honour.
- On the way forward, more than 90% opined that education and awareness through media could help pre-



vent or curtail crimes of honour. While half of the respondents thought that the informal justice system should be reformed as it is perceived to be more accessible and efficient to the rural majority in Pakistan.

- An overwhelming majority of 94%, surprisingly, believed that there is a dire need for further legislation to prevent honour crimes. While 9 out of 10 respondents believed that implementation of existing laws needs to be strengthened. 91% opined that corruption should be eliminated from the formal justice system which could restore people's trust on state's institutions, and pave the way for less dependency on the informal justice system.
- The majority of the respondents, exceeding 90% believed that the government should introduce measures to reduce unemployment and provide equal employment opportunities to women for their economic empowerment. This will enable them to have a strong say in decision making within the family.

Glossary

<i>Adl</i>	Justice
<i>Awami</i>	For public
<i>Ghairat</i>	<i>Honour</i>
<i>Ghag</i>	<i>Calling for a claim</i>
<i>Hadith</i>	Sayings of Prophet Mohammad (SWA)
<i>Hujra</i>	A place for guests and gatherings for the male population in the community. <i>Hujra</i> is usually attached to the house of a local leader.
<i>Huquq</i>	Rights
Izzat	Honour
<i>Jirga</i>	Refers to the practice and to the institution in KP, FATA and Balochistan. A <i>Jirga</i> is a gathering of elders, convened by an intermediary (<i>Jirgamaar</i> , see below) between contesting parties, to hear the arguments of the parties.
<i>Jirgamaars</i>	The leader of a <i>Jirga</i> who hears the arguments of the plaintiffs.
<i>Karo Kari</i>	<i>Literally meaning black in Sindh. The term is used to describe a man and woman who are charged with an illicit relationship</i>
<i>Khasadar</i>	Tribal Policemen
<i>Maliks</i>	Tribal elders
Musalihati Anjuman	The institution of <i>MusalihatAnjuman (literally meaning conciliation forums)</i> has been provided at the level of Union Councils for dispute resolution through ADR (including conciliation, mediation and arbitration).
<i>Nang</i>	<i>Honour</i>
Nizam-e-Adl	Justice System based on <i>Shairah</i> law in the Malakand division
Pakhtun	Ethnic group
<i>Pakhtunwali</i>	The inherited moral and social code of Pakhtun society
<i>Panchayat</i>	<i>Informal dispute resolution through community mediation in Punjab</i>
<i>Pashtu</i>	Language
Pathan	Cast
<i>Qazi</i>	Judge
<i>Qazi courts</i>	an Islamic court headed by a <i>Qazi</i> (Judge)
<i>Qaumi</i>	National



<i>Riwaj</i>	Tradition
<i>Sarkari</i>	Official
<i>Sharia</i>	Islamic code of life
<i>Shariat</i>	Islamic code of life
<i>Swara</i>	The giving of young women and girls in marriage as a method of resolving conflict, this is also known as <i>Badal-i-Sulh</i> and <i>Vani</i>
<i>Tehsil</i>	Administrative units in cities and towns (a district subdivision)
Wali	Guardian
Walwar	Bride price
<i>Khag</i>	Man's declaration of claim over a woman for marriage.
<i>Zakah</i>	Obligatory payment made annually under Islamic law on certain kinds of property
<i>Zina</i>	<i>Sexual relationship outside of marriage</i>

The background features a central illustration of a woman wearing a dark headscarf, looking upwards with a distressed expression. Her hands are raised, with fingers spread, as if pleading or seeking help. This central figure is surrounded by several other, fainter, grey-toned hands reaching out from the background. The entire scene is set against a backdrop of dark, vertical, brushstroke-like lines. A solid red horizontal band is positioned at the top of the image, containing the title text.

**HONOUR CRIMES
IN PAKISTAN:
AN INTRODUCTION**

CHAPTER 1

HONOUR CRIMES IN PAKISTAN: AN INTRODUCTION

Many women around the globe live in constant fear. They live in this state of permanent fear because they could have a brother spying on them, a mother prescribing ethical and moral codes to them or a father whose honour depends on their societal and public behaviour.

They live in constant fear because if they disobey the existing norms, they could be forced to marry someone, abused or murdered. It is no wonder that in this environment honour crimes are considered a heroic deed and mostly carried out in a premeditated manner.

The exact number of women who are victimised in the name of honour is not known. According to the United Nations Population Fund, around 5000 females are killed annually in the name of honour around the globe⁶ and if statistics are to be believed, approximately 1000 women are killed in Pakistan per year. In other words, 25 per cent of the total honour killings in the world occur in Pakistan.⁷

Eliminating discriminatory customary practices that divest women in Pakistan of their fundamental human rights has been one of the wider objectives of the Community Appraisal and Motivation Programme's (CAMP) Rule of Law Programming in Pakistan⁸ project since its inception in 2010. During the fourth phase of the project in 2013, a new component, "Addressing Honour Crimes through Local Stakeholders in Pakistan", was introduced to implement an evidence-based advocacy and sensitisation campaign on honour crimes in Pakistan.

In connection with this, CAMP planned to carry out a comprehensive national-level research study mapping the perceptions of local stakeholders regarding different forms of honour crimes and the role of informal justice systems in addressing these crimes in Pakistan, utilising various research tools to gather qualitative and quantitative data. This study aims to provide an excellent base to generate policies addressing the issue of honour crimes in Pakistan.⁹

This chapter introduces the dynamics around honour crimes in Pakistan and people's perception regarding these crimes, which will be explored further in subsequent chapters. It is divided into two sections: Section I deals with the definition, background, features, motives, gender implications and religious views of honour crimes, and Section II presents an overview of the situation of honour crimes in Pakistan.

Section I – Honour crimes: An introduction

Definition

Honour crimes are a multifaceted issue and change according to time, place, culture and in the ways they are executed and articulated. Due to this complex and elastic nature they are widely misunderstood and hard to define. Sociologists and human and women's rights workers have defined honour crimes in different ways. According to one definition:

Honour crimes are patterns of conduct cutting across communities, cultures, religions and nations and manifest-

6 Navratan Singh Fateh, "Honour Killing", master's thesis, University of Toronto, 2012.

7 Unicef, "Situation Analysis of Women and Children in Pakistan", National Report 2012, p. 118.

8 www.camp.org.pk/node/530.

9 A detailed description is given in chapter 2.

*ed in a range of forms of violence directed, in the majority of cases, against women, including murder (honour killings) and forced marriage.*¹⁰

Another definition explains honour crimes in this way:

*Crimes of honour are actions that remove a collective stain and dishonour, both gendered and locally defined, through the use of emotional, social and physical coercion over a person whose actual or imputed actions have brought that dishonour.*¹¹

Lynn Welchman and Sara Hossain, co-directors of the Honour Crimes Project, Sweden, have described honour crimes as a “type of violence against women characterised by (claimed) ‘motivation’ rather than perpetrator or form of manifestation.”¹²

From the above-mentioned definitions it becomes clear that honour crimes are a wide category and besides killing also include battering, acid throwing, rape in the name of honour, genital mutilation, domestic imprisonment, prescriptive dress codes and restricted access to education or work.¹³

Even though it is difficult to find the “right” definition because of the multiple dimensions associated with this issue, the concept of honour crime has some key characteristics.

Most importantly, in a majority of the cases they are executed in a premeditated manner, “either by a male juvenile so that state punishment can be minimised or some other close male relative. A knife, gun, stone, paraffin oil or acid is used to abuse or kill the victim.”¹⁴

The victims are later abandoned without any proper and formal burial in most cases. Additionally, since such crimes are executed based on a belief that if the victim is murdered or punished, the group’s honour will be re-established, instead of being an individual act, these crimes have the support of a whole tribe or group and are seen as a “heroic deed.”¹⁵

Another important thing to note is that crimes of honour are not gender restricted. Men can also be victimised by the family members of the woman with whom they are perceived to be romantically involved. Although honour crimes more often target women, they are in no way limited to women alone.¹⁶

Similarly, when it comes to the execution of honour crimes it is not always men who play the key role. Since girls and women have to follow the norms that are instructed to them, in many cases mothers, sisters or other women of the family act as key players ensuring the honour code is followed, and can also be party to decisions to kill or punish women, including their own daughters, if that code is not obeyed.¹⁷ Nonetheless, it is only on rare occasions that women are directly involved in a killing in the name of honour. Instead, they usually partici-

10 “Islam and Honour Crimes”, dissertation available online at http://www.islamawareness.net/HonourKilling/dissertation_is_and_hon_crimes.pdf, p. 3.

11 Ibid.

12 Linda Edvardsson, “Crimes of Honour : Females’ Right for Support in the Multicultural Society”, bachelor thesis, Malmo University, 2008.

13 Ibid.

14 Linda Edvardsson, op. cit. p. 12.

15 Ibid.

16 Navratan Singh Fateh, op. cit., p. 13.

17 Ibid., p. 14.



pate in the crime in an indirect sense, where they acknowledge and agree with the perpetrator's will.¹⁸

As mentioned earlier, while an exact definition of honour crimes cannot be reached, in the light of the above discussion, as a working definition for the purpose of this research study honour crimes will be considered "manifestations of violence against women (sometimes against men) including honour killings, physical and mental assault, confinement or imprisonment, discriminatory customs and interference with choice in marriage, where the crime is justified by the local traditions that require the preservation of a concept of honour."¹⁹

The concept of honour crimes: social and cultural implications and motives

The term honour is derived from the Latin word *honor* and is used to describe a "quality of worthiness, respectability and moreover the perceived standing of an individual in large social bodies such as schools, neighbourhoods, cities or nations."²⁰

In relation to honour crimes, however, the term honour does not confer privileges, but rather entails an obligation or duty of protecting honour at any cost, even if this requires killing a loved one. In many languages there are two different words to distinguish these two different concepts. For example, in Urdu, the word *ghairat* is used to denote honour, jealousy, courage, modesty, and shame, and the word *izzat* is used to mean reputation and respect.²¹

Despite these multiple connotations, the concept of honour is neither novel nor recent. This concept has survived through many centuries and until today it has a strong foothold, though the ways it is practiced can be varied or internalised.²²

Honour crimes have been taking place for centuries in "lands that were cradles of world civilisations: in agrarian societies such as China and India (including present-day Pakistan), in the tribal Arab Middle East, throughout the lands of the Mediterranean (in Italy, Spain, Palestine, Lebanon, Turkey, Greece, Morocco), in Southern Europe, as well as in Latin American countries across the Atlantic."²³ Honour killings that were practiced in ancient times resulted from the notion that women or their chastity are the property of men and it is the duty of a woman to guard the honour of her family.

Honour-related crimes, especially honour killings, mostly occur in Muslim countries, which is why it is commonly believed that Islam sanctions honour crimes. However, neither the Quran nor the sayings of the Holy Prophet permit killing someone in the name of honour or encourage doing so. On the contrary, these two basic sources of Islam require their followers to uphold discipline in their lives and not to act as judges themselves, but instead to bring such cases to the courts and government authorities for adjudication.

In addition, it is interesting to note that the United Nations Special Rapporteur on Violence Against Women for the years 2002 and 2003 confirmed that honour killing is neither limited to Muslim communities nor any particular class, caste, region or religion.²⁴

18 Linda Edvardsson, op. cit.

19 Maliha Zia Lari, "Honour Killings in Pakistan and Compliance of Law", Aurat Foundation, November 2011, pp. 17, 34.

20 Navraten Singh Fateh, op. cit., p. 8.

21 Ibid., p 12.

22 Linda Edvardsson, op. cit, p. 9.

23 Rabia Ali, "The Dark Side of 'Honour': Women Victims in Pakistan", Shirkat Gah, 2001.

24 Navraten Singh Fateh, op. cit., p. 17.

Honour killings have been officially reported in six continents, including Asia, Europe, North America, Latin America, Australia, and Africa, and in 31 countries: Argentina, Australia, Bangladesh, Brazil, Colombia, Ecuador, Egypt, Haiti, Guatemala, India, Israel, the Islamic Republic of Iran, Iraq, Jordan, Lebanon, Morocco, the Netherlands, the Palestinian National Authority, Pakistan, Peru, the Syrian Arab Republic, Turkey, Uganda, Venezuela, Yemen, and other countries such as France, Germany, Sweden, and the United Kingdom, as well as the United States (usually within migrant populations).²⁵

Thus, it would be more appropriate to say that honour crimes are a widespread cultural phenomenon rather than limited to a particular religion or race. Honour crimes are more prominent in male-dominated societies or communities where there is a tendency to prevent women from making their own decisions. Most Muslim societies have patriarchal mind-sets and the concept of honour strengthens concepts of masculinity.

The motives for honour crimes differ from culture to culture, all having varying rationales for committing these crimes. “The motivation or publicly articulated justification for committing such crimes is attributed to a social order claimed to require measures of enforcement, such as measures against women.”²⁶ Honour crimes are mostly carried out in reaction to instances of adultery, rape, infidelity, flirting, rejecting forced marriages, dowry problems, women leaving the home without a male’s permission, talking to strangers, seeking divorce, failing to serve a meal or any other occurrence thought to tarnish the family’s honour and repute in society.²⁷

Many incidents demonstrate that honour-related abuses are not necessarily triggered by perpetrators’ emotional need to protect honour; financial motives are also fast becoming a major reason for such crimes. Consequently, “where there are destitute economic conditions and chastity and fertility is currency, human life is cheap.” Thus, poverty can be a major motive for honour crimes. Corrupt local police or authorities, weak or gender-discriminatory application of laws, and disbelief in and disregard for the writ of government have also surfaced as underlying causes in recent years. In addition, honour crimes are also affected by a country’s turbulent political situation.²⁸

Section II – Crimes in the name of honour in Pakistan

In Pakistan honour crimes continue to be a major problem along with other forms of violence against women. A patriarchal mind-set supported by tribal and feudal traditions provides a basis for crimes in the name of honour, while loopholes in the law permit perpetrators to escape punishment.

This section aims to present a broader overview of honour crimes in Pakistan by discussing types of honour crimes practiced in Pakistan, statistics over the years, historical perspective, motives and societal trends and role of various stakeholders.

Pakistan: Administrative, political, legislative and judicial framework

Pakistan is a predominantly Muslim country located in the basin of the Indus valley. It has an area of 803,940 square kilometres, an estimated population of around 175 million²⁹ and consists of four provinces (Punjab,

25 Diana Y. Vitoshka, “The Modern Face of Honor Killing: Factors, Legal Issues, and Policy Recommendations”, *Berkeley Undergraduate Journal*, Office of Undergraduate Research, UC Berkeley, 2010.

26 “Islam and Honour Crimes”, op. cit., p. 11.

27 Ibid p. 3.

28 Diana Y. Vitoshka, op. cit., p. 38.

29 Unicef, “Situation Analysis of Women and Children in Pakistan”, op. cit., p. 56.



Sindh, Khyber Pakhtunkhwa and Balochistan), one federal capital territory, (Islamabad), and two autonomous territories (Gilgit Baltistan and Azad Jammu and Kashmir) and a group of Federally Administered Tribal Areas (FATA).³⁰ Provinces are further divided into divisions and districts.

Khyber Pakhtunkhwa is located in the north west of the country. The total area of the province is 74,521 square kilometres and the population consists of approximately 22 million people. Pakhtuns are the main ethnic group in the province, while smaller ethnic groups include Hindkowans, Chitralis and Kohistanis.³¹ Peshawar is one of the main cities and capital of the province.

The parallel systems of administration in Khyber Pakhtunkhwa include two distinct legal and administrative structures.³² The first structure includes the settled districts (Abbottabad, Bannu, Battagram, Charsadda, Dera Ismail Khan, Hangu, Haripur, Kohat, Karak, Lakki Marwat, Mansehra, Mardan, Nowshera, Swabi, Peshawar and Tank), where the citizens and political parties are entitled to the same rights and liberties as those in the rest of the country. The second structure covers the Provincially Administered Tribal Areas (PATA) (Malakand Agency and the districts of Upper Dir, Lower Dir, Chitral, Swat, Buner, Shangla, and the pocket of Kala Dhaka/Black Mountains, Kohistan (previously part of Swat state) and the state of Amb, now submerged in the Tarbela Dam reservoir), where the KP Governor extends laws and rights to the region with the approval of the President, based on the provisions of Article 246 (b) of the constitution of Pakistan.

The administrative framework of Khyber Pakhtunkhwa is identical to the governance structure of the rest of the country. The Chief Minister, elected as the chief executive of the province, along with a 124-member Provincial Assembly is responsible for the administrative governance of the province. The provincial government is headed by the Governor, who is appointed by the federal administration. Khyber Pakhtunkhwa's civil bureaucracy is under the authority of the Chief Secretary who is responsible for the supervision of the various departments headed by departmental secretaries. Policing at the provincial level is under the command of the Provincial Police Officer. At district level, the District Coordination Officer (DCO) looks after law and order, with support from the District Police Officer (DPO). The Deputy Commissioner Officer is responsible for functions delegated to local government.³³

With a population of 6.6 million stretched over 380,000 square kilometres, Balochistan makes up nearly half of the landmass of Pakistan. The province, named after the Baloch tribes, is the largest but least populated and most underdeveloped province of Pakistan.

Balochistan consists of a plethora of ethnic groups; the Baloch are a majority in the south and east of the province, whereas a Pashtun majority is found in the north. The capital of the province, Quetta, has a majority of Pakhtuns, with Baloch, Hazara and Punjabis in the minority. A significant number of Brahui speakers are found in the Kalat region of the province, while Persian-speaking Dehwars also reside in the region and around the Iranian border. Makrani Balochis live along the coast. Furthermore, Balochistan has now become home to 769,000 Afghans including Pakhtuns, Tajiks, and Hazaras. Many Sindhi farmers have also moved to the more arable lands in the east of the province.

Balochistan is divided into 29 districts: Awaran, Bolan Barkhan, Chaghi, Dera-Bugti, Gawadar, Jafferabad, Jhal Mag-

30 http://en.wikipedia.org/wiki/Administrative_units_of_Pakistan.

31 <http://en.wikipedia.org/wiki/KhyberPakhtunkhwa>.

32 Naveed Ahmed Shinwari and Neha Gauhar, "Understanding Justice Systems of FATA, Khyber Pakhtunkhwa and Balochistan: The Pakhtun Perspective", CAMP Publication, 2013.

33 Ibid.

si, Qilla Abdullah, Qilla Saifullah, Kohlu, Kharan, Kalat, Khuzdar, Kech, Lasbela, Loralai, Mastung, Musakhail, Nushki, Nasirabad, Panjgur, Pishin, Quetta, Sibi, Sherani, Washuk, Ziarat and Zhob. Quetta is the provincial capital.

The province of Balochistan is also divided between settled and unsettled areas. The unsettled areas constitute the Provincially Administered Tribal Areas (PATA) of Balochistan and consist of Zhob district, Loralai district (excluding Duki Tehsil), Dalbandin tehsil of Chaghi district, and Marri and Bugti tribal territories of Sibi district.

Balochistan has a parliamentary form of government, which is similar to the other provinces of Pakistan. The province is headed by the Governor, who is appointed by the president of Pakistan on the advice of the provincial Chief Minister. The Chief Minister, the province's chief executive, is normally the leader of the largest political party or alliance of parties in the provincial assembly. The Provincial Assembly of Balochistan consists of 65 seats, of which 4 per cent are reserved for non-Muslims and 16 per cent exclusively for women.³⁴

Punjab, called the "cornerstone" of Pakistan by Quaid-e-Azam Mohammad Ali Jinnah, is a distinctive region in South Asia in terms of its political and administrative history and socio-economic structure. It is Pakistan's second-largest province with an area of 205,344 square kilometres. It has a larger population than all other provinces of the country with over 90 million inhabitants. Punjabi is the dominant language, while Saraiki, Urdu, Pashto, Balochi and Sindhi are also spoken in the province. With most of the population living in rural areas, agriculture is the principal occupation.³⁵

Punjab has undergone several changes in its administrative set-up. The number of districts was increased from 21 in 1981 to 34 in 1998 and 36 in 2009. These districts are Attock, Bahawalnagar, Bahawalpur, Bhakkar, Chakwal, Chiniot, Dera Ghazi Khan, Faisalabad, Gujranwala, Gujrat, Hafizabad, Jhang, Jehlum, Kasur, Khanewal, Khushab, Lahore, Layyah, Lodhran, Mandibahwaudin, Mianwali, Multan, Muzzafargarh, Narowal, Nankana Sahib, Okara, Pakpattan, Rahimyar Khan, Rajanpur, Rawalpindi, Sahiwal, Sargodha, Shiekhpura, Sialkot, Toba Tek Singh and Vehari. Lahore is the provincial capital. At present, its administration is run by a Legislative Assembly with 297 general seats (66 reserved for women and six for minorities), and is headed by the Chief Minister and a governor appointed by the president.³⁶

During the Musharraf regime the Local Bodies Ordinance was implemented and district and tehsil administrations were run by district *nazims* and tehsil *nazims* respectively. However, more recently the commissioner system has been brought back into practice.

The province of Sindh was named after the river Sindh (Indus) that separates it from Balochistan and the greater Iranian Plateau. It is also known as Mehran and has been given the title of *Bab-ul-Islam*.³⁷ The main language is Sindhi, with approximately 26 million speakers, while a considerable Urdu-speaking minority of about 8 million also exists. Karachi is the capital of the province and hub of social, political and economic activities.

The Provincial Assembly of Sindh is unicameral and consists of 168 seats, of which 5 per cent are reserved for non-Muslims and 17 per cent for women. The government is presided over by the Chief Minister of Sindh.³⁸

34 Ibid.

35 Ibid., p. 314.

36 Ibid.

37 "The gateway of Islam".

38 <http://en.wikipedia.org/wiki/Sindh>.



The parliament is the highest federal and legislative body in Pakistan. A bicameral federal legislature, it consists of the Senate (upper house) and the National Assembly (lower house). According to the constitution of Pakistan, the president of Pakistan is also a part of the Parliament. The National Assembly is elected for a five-year term on the basis of adult franchise and one-man one-vote and consists of 342 seats, 272 of which are directly elected, 60 reserved for women and a further 10 for religious minorities. As the supreme legislative body, if the National Assembly passes a bill through a majority vote, it is transmitted to the Senate, and if the Senate also approves, it is sent to the president for approval.³⁹

Pakistan's legal system is derived from English common law and is based on the 1973 constitution, incorporating elements of Islamic *Shariah* law. "The Supreme Court, provincial high courts, and other courts have jurisdiction over criminal and civil issues. The Supreme Court, headed by the Chief Justice, is the apex court and has original, appellate and advisory jurisdiction, while high courts have original and appellate jurisdiction."⁴⁰

Currently there is a High Court in each province along with a High Court for the Islamabad Capital Territory. Each High Court is headed by a Chief Justice who is assisted by other senior judges. There are 60 of these judges in Lahore High Court, 40 in the High Court of Sindh, 20 in Peshawar High Court, 11 in the High Court of Balochistan and seven in Islamabad High Court.⁴¹

The Federal *Shariat* Court and the *Shariat* bench of the Supreme Court have the authority to decide whether laws are in conformity with Islamic injunctions, and serve as appellate courts for criminal convictions under the Hudood Ordinances.⁴² There are also special courts and tribunals that hear specific kinds of cases, including terrorism cases.⁴³

While other provinces have a uniform legal setup, the situation in Khyber Pakhtunkhwa is more varied. Accession to the new state of Pakistan in 1947, and the extension of civil administration in 1969 to North West Frontier Province (NWFP – now Khyber Pakhtunkhwa), brought an end to the rule of the princely states (small independent states that became a part of Pakistan during the twentieth century). The Dir, Chitral and Swat (Administration) Regulation of 1969 transferred the rulers' powers to the government, simultaneously incorporating previous laws, regulations, orders, procedures and customs in the civil administration.⁴⁴

This created a perplexing legal system in the region because tribal codes at times contradict the law. Pakistan's military and intelligence establishment, federal civil bureaucrats in FATA and tribal elites all stand to lose significant powers if the federal government were to repeal the Frontier Crimes Regulation (FCR) altogether, establish regular civil and criminal courts and extend the jurisdiction of the Peshawar High Court and Supreme Court of Pakistan to FATA.⁴⁵

Honour crimes in Pakistan: Types, statistics, historical analysis and motives

Pakistani women comprise 49.19 percent of the total population of the country according to a World Bank report published in 2012.⁴⁶ Over the years, Pakistani women have made remarkable achievements in all spheres

39 http://en.wikipedia.org/wiki/Parliament_of_Pakistan.

40 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 36.

41 Faqir Hussain, "The Judicial System of Pakistan", 2011 (available at http://www.supremecourt.gov.pk/web/user_files/File/thejudicial-systemofPakistan.pdf), p. 19.

42 A Pakistani law enacted in 1979 and later revised in 2006 through the Women's Protection Bill.

43 Unicef, "Situation Analysis of Women and Children in Pakistan" op. cit., p. 36.

44 Naveed Ahmed Shinwari and Neha Gauhar, op. cit.

45 Ibid.

46 <http://www.tradingeconomics.com/pakistan/population-female-percent-of-total-wb-data.html>.

of life and managed to establish a distinct identity of their own. However, despite this progress they are also among the segments of society most affected by traditional social norms and practices that expose them to neglect, exploitation and abuse. This denial has also subjected them to a deficit of the most basic human rights – the liberty to make decisions about their own lives, the right to healthcare and basic education, and most importantly the right to protection against different forms of violence.⁴⁷

Tribal and feudal segmentation and a fusion of patriarchal values with religious beliefs have reduced women to a status where they are nothing short of a chattel, and it comes as no surprise that in the World Economic Forum’s Global Gender Gap report for 2011 Pakistan was ranked 133 out of 135 countries.⁴⁸

In addition, Pakistan is ranked among the most dangerous and unsafe countries for women. A survey conducted by Thomson Reuters in 2011 ranked Pakistan as the “third most dangerous country” for women in the world after Afghanistan and the Democratic Republic of Congo.⁴⁹

The ranking was made mainly on the basis of prevalent cultural, tribal and religious customs that are harmful to women. “These include acid attacks, child and forced marriage, punishment or retribution by stoning or other physical abuse.”⁵⁰ The survey further revealed that “Pakistan has some of the highest rates of dowry murder, so-called honour killings and early marriage.” It also cited an estimate by the Human Rights Commission of Pakistan (HRCP) that “as many as 1,000 women and girls died in honour killings annually.”⁵¹

Among the most prominent forms of violence against women in Pakistan are murder, honour killing, abduction, kidnapping, domestic violence, suicide, rape and gang rape, sexual assault, stove burning and acid-throwing. Cases of *vani*,⁵² *swara*,⁵³ custodial violence, torture, trafficking, child marriages, incest, threats of violence, sexual harassment or attempted murder are also included under the “miscellaneous” category.⁵⁴

Honour killings are the most awful and the most shameful of all manifestations of violence against women in Pakistan. Despite a number of laws and campaigns to raise public awareness about the practice, the rate of reported honour killings in Pakistan has actually increased in recent years.⁵⁵

This type of killing is termed *siyahkari* in Balochistan, *karo kari* in Sindh, *tor tora* in Khyber Pakhtunkhwa and *kala kali* in Punjab.⁵⁶

47 Unicef, “Situation Analysis of Women and Children in Pakistan”, op. cit., p. 16.

48 Phyllis Chesler and Nathan Bloom, “Hindu vs. Muslim Honour Killings”, *Middle East Quarterly*, vol. 19, no. 3, summer 2012, p. 46.

49 Niaz Mohammad, Mufti Mohammad Mushtaq Ahmed, Abdullah Abdullah, Fazle Omer and Naeqeb Hussain, “Honour Killings in Pakistan: An Islamic Perspective”, *Asian Social Science*, vol. 8, no. 10, August 2012, p. 180.

50 Unicef, “Situation Analysis of Women and Children in Pakistan”, op. cit., p. 121.

51 Ibid.

52 A tradition involving the handing over of women to resolve tribal disputes.

53 The custom calls for a girl to be given away in marriage to an aggrieved family as compensation for a serious crime committed by her father, brothers or uncles. Generally, girls are given in *swara* marriage as compensation for murder, adultery, abduction and/or kidnapping committed by the men of the family.

54 Unicef, “Situation Analysis of Women and Children in Pakistan”, op. cit, p. 118.

55 Ibid., p 119.

56 The terms refer to honour killings where victims are accused of an illicit relationship. *Karo/kari* and *kala/kali* refer to the man and woman in Sindh and Punjab respectively. These terms also denote blackness.



According to the available statistics,⁵⁷ in 2001, 308 cases of *karo kari* were reported, while the figure was 376 in 2002. In Punjab, 260 and 278 cases of honour killings were reported for 2001 and 2002 respectively.⁵⁸

Between 1990 and July 2002 at least 1,844 women were killed in the name of honour by their fathers or brothers in Khyber Pakhtunkhwa according to police records. Out of the total number of reported cases, 461 of them occurred in the 24 settled districts of the province.⁵⁹

In a remote village, Baba Kot, in district Jaffarabad of Balochistan three women were buried alive and two others were shot dead in August 2008. These girls were aged 16 to 18 and wanted to marry by their choice.

When the elders refused to let them marry the persons of their own choice, they decided to get married in courts. The two other women were their aunts who were helping those girls. When the news of their getting married in court leaked, the alleged accused, who happened to be brother of a provincial minister, took the girls to a deserted place, along with his body guards.

They were beaten badly, before the bullets were fired on them. Then they were thrown in a ditch and covered with mud and stones. It is said that the girls were badly injured but still alive when they were buried.

(Noor Akbar Khalil and Mashhood Ahmed-Sheikh, "Political Manipulation in Human Rights Violations: A Case of Honour Killings in Balochistan, Pakistan", *Pakistaniaat: A Journal of Pakistan Studies*, vol. 2, no. 2, 2010)

Figures for 2003 reveal that in Punjab, 172 cases of honour killings were recorded; a First Information Report (FIR) was registered in only 90 cases, while only 23 of the accused were arrested. In Sindh, 398 deaths as a result of *karo kari* were reported by the end of 2003.⁶⁰

465 cases of honour killing including *karo kari* were reported by October 2004. According to a report presented in the Senate in July 2004, 4,101 persons were killed in the name of honour in the preceding four years across the country. Out of these only 3,451 cases went to the courts.⁶¹

Between November 2004 and August 2005, 316 cases were reported, while in 2006 the number reached 564. 280 cases of honour killings and 356 cases of *karo kari* were reported in 2007.⁶²

612 and 647 incidents were reported for 2008 and 2009 respectively. The year 2008 also saw a new kind of honour killing, when three women were buried alive and two others shot dead in Balochistan. No tangible step was taken against this gruesome act.⁶³

791 cases of honour killings were reported in 2010⁶⁴ and 675 for the period from January to September 2011.⁶⁵ The number of women and girls reportedly killed in honour crimes increased to 913 in 2012.⁶⁶

According to reports, in previous years "nearly 90 per cent of the reported honour killings took place in Sindh and Punjab in almost equal proportions, with relatively few cases reported from Balochistan and KP. In December 2011, the Sindh provincial assembly was informed that the toll of *karo kari* in that province had already reached 577 in 2011. This would be more than double the toll of 266 such killings reported in Sindh in all of 2010."⁶⁷

57 To provide a comprehensive analysis, statistics have been included for the years from 2001 onwards.

58 Human Rights Commission of Pakistan (HRCP), "State of Human Rights in 2002", March 2003.

59 Ibid.

60 HRCP, "State of Human Rights in 2003", March 2004.

61 HRCP, "State of Human Rights in 2004", March 2005

62 HRCP yearly "State of Human Rights" reports for the years 2005, 2006 and 2007.

63 HRCP yearly "State of Human Rights" reports for the years 2008 and 2009.

64 HRCP, "State of Human Rights in 2010", March 2011.

65 Aurat Foundation, "Violence against women in Pakistan: a qualitative review of statistics in 2011", July 2012.

66 HRCP, "State of Human Rights in 2012", May 2013.

67 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 119.

Data gathered from news reports shows that in the first six months of 2013, 51 cases of honour killings were reported in Punjab, 46 cases in Sindh, 31 in Khyber Pakhtunkhwa and six cases in Balochistan.⁶⁸ Another bi-annual report on violence against women in Punjab from January to June 2013 states that 99 cases occurred in the province.⁶⁹

Acid-throwing is possibly the most humiliating of all honour crimes. The outcomes of these attacks include blindness and permanent scarring of the face and body. Acid throwing increased in the 2000s with most of the cases happening in Southern Punjab.⁷⁰ In 2004, 42 cases of acid attacks were reported, of which 15 cases were reported in Bahawalpur. The trend continued in 2005, with seven cases occurring in Southern Punjab up till August 2005. 13 cases of acid burning were reported in 2006 while in 2007 there were 143 incidents of all kinds of burning including acid burning.⁷¹

The figures reveal 37 cases of acid attacks in 2008, 53 cases in 2009, 30 cases in 2010, 44 cases in 2011⁷² and 83 cases in 2012. Continuing the trend, 20 cases, 62.5 per cent of all incidents nationwide, occurred in Punjab in 2010.⁷³

Data compiled from news reports reveals 16 cases in Punjab and nine cases in Sindh during the first six months of 2013. No such cases were found in news reports from Khyber Pakhtunkhwa and Balochistan.⁷⁴

Rape and gang rape are often used as a weapon in situations of war. However, as part of traditional practices in Pakistan, it is used as a measure to dishonour and punish a weaker enemy. 925 cases of rape were recorded in 2002. In the same year, the gang rape of Mukhtaran Mai caught the attention of national and international media and civil society.

Up till the end of October 2004, 320 women were raped and 350 were gang-raped. 154 victims of rape or gang rape were minors. In 2005 the case of Dr. Shazia Khalid's rape dominated the news. In addition, 354 women were gang-raped and 377 raped in 2007. In 2008, 445 women were gang-raped and 350 were raped, while there were 928 cases in 2009.⁷⁵

Mukhtaran Mai, a resident of village Meerwala village, Muzaffargarh District, was gang-raped on the orders of a tribal council as a form of revenge for a crime which her adolescent brother Shakur allegedly committed.

In accordance with local customs she was expected to commit suicide, but her case was taken up by a local reporter and subsequently by other national and international media. Mukhtaran Mai also stood up and pursued her case. An anti-terrorism court sentenced six men (including the four rapists) to death for rape in 2002. In 2005, Lahore High Court acquitted four out of six men and changed the punishment for the sixth man to life imprisonment on the basis of "insufficient evidence". An appeal was filed in Supreme Court, which also acquitted the accused in 2011.

Dr. Shazia Khalid, a medical doctor by profession, was raped in January 2005, allegedly by an army officer, while serving as a medical officer for Pakistan Petroleum Limited in Sui, Balochistan. The rapist was never caught. The then military government took no action and Dr. Shazia was forced into exile in the United Kingdom.

68 The data was gathered for the bi-monthly *Honour Crimes Watch* to be published under the RLPP-IV project, from media reports from all over Pakistan, including the following: newspapers including *Daily Dawn*, *Daily Nation*, *Daily News*, *Daily Express Tribune*, *Daily Business Recorder*, *Daily Jang*, *Daily Mashriq*, *Daily Pakistan*, *Daily Azadi*, *Daily Kainaat*, *Daily Shamal*; television channels including Geo News and Dawn Metro; and internet searches (online editions of the *Express Tribune*, *Dawn*, *The News*, Geo and others.

69 Aurat Foundation, "First bi-annual report on situation of violence against women in Punjab – January-June 2013", July 2013.

70 HRCF, "State of Human Rights in 2004", 2004.

71 Ibid.

72 Aurat Foundation, "Violence against women in Pakistan", op. cit.

73 Unicef, "Situation Analysis of Women and Children in Pakistan" op. cit., p. 93.

74 CAMP data, 2013.

75 HRCF data, 2004-2009.



In 2010, 903 cases of rape and 51 cases of gang rape were recorded, the highest number of rapes and gang rapes ever recorded. Out of these cases, 741 occurred in Punjab and 157 in Sindh. Tribal norms and a tradition of open feuds possibly limited these crimes in Khyber Pakhtunkhwa and Balochistan where only five and six cases were reported respectively. Lahore replaced Faisalabad as the major city with the highest incidence of rape.⁷⁶

827 cases of rape and gang rape were reported in 2011, making up 9.68 per cent of the total cases of violence against women in that year. Breaking down the data by province, 734 cases were recorded in Punjab, 68 in Sindh, 10 cases in Balochistan, seven in Khyber Pakhtunkhwa and eight cases in Islamabad Capital Territory.⁷⁷

According to media reports, between January and June 2013 there were 26 rape cases in Punjab, one rape case in Sindh and four rape cases in Khyber Pakhtunkhwa, while none were reported in Balochistan.⁷⁸

Recent years have also seen an increase in cases of abduction and kidnapping. 891 cases were reported in 2004, and 538 in 2005. In 2008 there were 229 cases,⁷⁹ while in 2010, 2,236 cases were reported, constituting nearly 28 per cent of all crimes involving violence against women (VAW).⁸⁰ In 2011, 2,089 cases were reported. Ironically, from 2008 to 2011, abduction and kidnapping remained the most widespread form of VAW in Pakistan.⁸¹

According to media reports there were 10 abduction cases in Punjab, six in Sindh and one in Khyber Pakhtunkhwa for the first six months of 2013.⁸²

Moreover, despite a ban on handing over women as compensation for crimes committed by men or to resolve a dispute, these practices continue to be prevalent. Women in Pakistan are traded as peace offerings in arranged marriages (*swara*) or in resolution of a dispute (*vani*), ordered by a *jirga*⁸³ or *panchayat*.⁸⁴ Though statistics are not available on how many women fall prey to these traditional customs, according to estimates these traditional practices collectively account for one-fifth of all cases of violence against women in Pakistan.⁸⁵

Statistics are also available on other forms of honour crimes such as stripping, molestation, physical and sexual abuse. 13 cases of stripping were reported in 2002, while 19 cases were reported in 2004 and eight in 2005. 21 stripping cases were reported in 2007 along with three harassment and other cases, and 13 cases of stripping were reported in 2008.

Historical roots of honour crimes in Pakistan

According to scholars, honour killing in South Asian countries originated with Baloch tribes as they travelled to other parts of the region.⁸⁶ According to popular notions, honour killing in Sindh also started as a tradition

76 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 119.

77 Aurat Foundation, "Violence against women in Pakistan", op. cit.

78 CAMP data, 2013.

79 HRCF data, 2004, 2005, 2008.

80 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 119.

81 Aurat Foundation, "Violence against women in Pakistan", op. cit.

82 CAMP data, 2013.

83 Tribal council.

84 Informal court in Punjab constituted by community, comprising elders and noblemen.

85 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 118.

86 Navratan Singh Fateh, op. cit, p. 16.

transferred from Balochistan. Balochistan's border area of Shahdadkot is located close to Larkana in Sindh. During cold weather or to pursue economic activities, people from all over Balochistan, especially from Jhal Magsi and Khuzdar, used to come to this border town.⁸⁷ This regular influx led to the exchange and diffusion of various customs and traditions across the country. In Balochistan itself, this custom is attributed to Arab settlers in Balochistan who brought many such practices even before the advent and spread of Islam.

Balochistan differs from the rest of the provinces as a detailed description of the customs and traditions of each locality is found in its gazetteers. The word *siyahkari* is used in Baloch and Brahui areas of Balochistan and *zina kari*⁸⁸ is used in Pashtun areas. Modes of punishment along with detailed descriptions and standards are mentioned for each area under the heading of code of honour.

Siyahkari was practiced differently in different tribes even during British rule. However, only cases against wives are recorded in the history of Balochistan, with the exception of Sibi, where widows were also included. There is no mention of unmarried girls in the gazetteers, nor is there any evidence of what happened to unmarried girls if they were accused.

Interestingly, in Punjab this practice is also believed to be Balochi. It is more prominent in southern Punjab, which is close to Sindh, and it is generally believed that Balochis have influenced Sindhis. Another concept regarding honour-related violence in Punjab is that it spread in the province during British rule. Since the British were preoccupied with strengthening their hold on the province, human and women's rights were not their priority. They also viewed honour killing as an age-old custom, and therefore thought it better not to interfere with it in order not to offend the local people.

In Khyber Pakhtunkhwa, the practice is traced back to the Judaic race. References to the Pathans' Greek ancestry are found in the Pashto poetry of Ghani Baba. People in Khyber Pakhtunkhwa also believe that Muslims adopted this custom from Hindus.⁸⁹

To sum up, it can be concluded that this trend took root when patriarchal traditions grew strong and ownership and inheritance rules were formed. These reduce the worth of a woman to a chattel and render her the custodian of male and tribal honour. This perception gave birth to the idea of honour killing and other forms of honour-related violence.

Motives and reasons for honour crimes in Pakistan

In Pakistan the three main motives for honour crimes identified by researchers are "illicit relationships, contamination by association and immoral character."⁹⁰

Customs like child marriages and *watta satta*⁹¹ are other causes for these crimes. While caste differences are a frequent reason for honour killings in neighbouring India, in Pakistan they are not a major cause of these killings. According to one research study, only four percent of honour killings in 2010 occurred because the accused were romantically involved with someone from a different caste.⁹²

87 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", 2001, p. 16.

88 Adultery.

89 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

90 Phyllis Chesler and Nathan Bloom, op. cit., p. 46.

91 Exchange of women in marriage between two families.

92 Phyllis Chesler and Nathan Bloom, op. cit., p. 46.



In recent times, other trends have also surfaced. Killings or crimes in the name of honour are carried out to settle personal, property or water feuds. Men do not hesitate to kill women from their families in order to kill a man from an opposing faction.⁹³

Seizure of women's share in the property is another common motive behind these crimes. Sometimes a fiancé or husband also accuses his fiancée or wife of illicit relations if he does not like her or wants to marry someone else.⁹⁴ In certain cases, if a girl refuses to marry a boy or turns down a marriage proposal, rejects offers of friendship, or leaves her husband, she is attacked with acid to permanently scar not only her face or body, but also her soul.

Students or teachers have also been attacked with acid by fanatics who are against female education or employment and believe that they should stay at home.⁹⁵

A major underlying cause in the context of Pakistan is poverty and economic disparity. "While dealing with this issue we should not forget the economic dimensions of this problem. Honour crimes are more of an economic issue rather than honour."⁹⁶ For economically weaker people, an easy and quick way to acquire wealth is to denounce a woman in their household for having an illicit relationship, and consequently demand monetary compensation from the co-accused or his family.⁹⁷

While probing the causes of honour crimes, one cannot ignore the increasing trend of "commercialisation" of honour crimes. These cases are mostly decided through the informal mechanisms prevalent in Pakistan. Particularly in Sindh, if the relatives of a woman kill her, they reserve the right to kill the accused man. In such cases, the accused men's families are obliged to pay or give some other compensation. "While demanding for compensation the aggrieved party either wants a girl or they demand payments in hundreds and thousands of rupees in which the head of the tribe or the *sardar*⁹⁸ or *wadera*⁹⁹ also has some share. So that is why it has become a systematic business and many vested interests are involved in it."¹⁰⁰

This increased commercialisation has been termed an "honour killing industry" by human rights activists. "A man can murder another man for unrelated reasons, kill one of his own female relatives, and then credibly blame his first victim for dishonouring the second. Or he can simply kill one of his female relatives, accuse someone rich of involvement with her, and extract financial compensation in exchange for foregoing vengeance."¹⁰¹

Instances also occurred where women were killed or became victims of other forms of honour-related violence for trying to fight for their rights, raise their voices against oppressive traditions, talk about change, refusing to enter into an arranged marriage, or seeking a divorce.¹⁰²

93 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

94 Ibid.

95 Ibid.

96 Speech by Justice (retired) Nasira Iqbal at an advocacy session on "Honour Crimes in Pakistan and Access to Justice" arranged by CAMP on 18 September 2013 in Lahore.

97 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

98 Feudal lord in Punjab.

99 Feudal lord in Sindh.

100 In-depth interview with Mahnaz Rahman, resident director, Aurat Foundation, Karachi, 25 August 2013.

101 Phyllis Chesler and Nathan Bloom, op. cit., p. 46.

102 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

Patterns and attitudes

In Pakistan, the trend over the years indicates that honour crimes mostly happen in rural or tribal areas where various informal justice mechanisms still prevail and state judicial machinery is by and large either absent or not fully functional. This vacuum is then filled by local leaders.¹⁰³ People in these areas also prefer to consult these local mechanisms instead of going to state institutions.¹⁰⁴

Statistics over the last few years have revealed that Punjab has the highest rate of rape and gang rape; Sindh has the highest number of honour killings (*karo kari*), and most murder or domestic violence cases are reported in Khyber Pakhtunkhwa. Little data is available for Balochistan, but cases reported in previous years were mostly of honour killings.¹⁰⁵

Most victims are killed or punished in a way that is clearly intended to maximise pain. In one particular incident, Elahi Hussain, a 40-year-old resident of Islamabad, was tied to a tree and stoned to death by her brothers in 2007. She was killed because she was in a relationship that her brothers disapproved of.¹⁰⁶

In honour killings, an accusation is usually made as a first step. At times the crime takes place instantaneously and sometimes it is planned. In some cases of honour killing the murder takes place years after the indictment. One woman in Khyber Pakhtunkhwa who had eloped from her house was killed by her fiancée when she finally returned home after 25 years.¹⁰⁷

Mere suspicion, rumour or hearsay is enough to punish a woman in the name of honour. No evidence to establish guilt is required or considered necessary, nor is the woman given a chance to defend herself. Similarly, all women irrespective of age and social status are vulnerable to these heinous crimes. Married women, young or minor girls, old women, pregnant women and mothers with young children all are at risk.¹⁰⁸

The overwhelming majority of honour killings are carried out by the woman's family. According to a research study based on honour killings in Pakistan in 2010, "the woman's family was responsible for 78 per cent of the killings, while husbands of adulterous wives accounted for 16 percent and in three cases (six per cent) it was the man's family that committed the murder."¹⁰⁹

When a *karo kari* incident happens in Sindh, the woman's body is not touched by her family and left abandoned. The bodies are taken by the *karo* (man's) family to a riverside or jungle. They are dragged by the legs and thrown into holes dug in the ground. These graves are not covered properly and abandoned completely. In some cases the bodies are found stripped, as common belief is that since the victim has done something shameful it is not necessary to cover the body.¹¹⁰ If a girl is suspected of having an illicit relationship and her family decides to kill her, she is prepared like a bride; henna¹¹¹ is also applied to her hands and she is then taken to a jungle at dawn and axed to death. Usually, the first stroke is inflicted by her father.¹¹²

103 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit. p. 119.

104 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

105 Aurat Foundation, "Violence against women in Pakistan", op. cit.

106 Phyllis Chesler and Nathan Bloom, op. cit., p. 46.

107 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

108 Rabia Ali, op. cit.

109 Phyllis Chesler and Nathan Bloom, op. cit., p. 47.

110 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

111 Dye prepared from the henna tree and used for temporary tattooing.

112 Rabia Ali, op. cit.



In Punjab, bodies are mostly chopped up and dumped into rivers. In Khyber Pakhtunkhwa, if the suspects are killed together they are left abandoned, but if they are killed separately then a proper burial and all other rituals are performed.¹¹³ There is reluctance on the part of clerics to lead funeral prayers for victims of honour killings. They consider the practice so sinister that it is unjustifiable to officiate at funerals.¹¹⁴

Men who are accused of having illicit relationships and manage to escape death have to undergo an “ember test” to prove their innocence in both Punjab and Sindh. According to this custom a hole is dug about seven feet in length and two and half feet in width, in which a fire is lit.¹¹⁵ When the fire turns into ember the person accused of *kara* or *kala* is made to walk on the bed of embers. If his feet burn he is found guilty. Women who are not killed by their husbands or families are sold off to faraway places, so that they cannot contact their families for the rest of their lives. Those who are given refuge by local *sardars* or *waderas* are sexually abused by them.¹¹⁶

For victims or survivors of other honour crimes, seeking justice is an arduous task. The social stigma attached to such crimes often forces survivors to commit suicide. In a recent case, Fakhira Younis committed suicide after undergoing 13 years of suffering following an acid attack. The recent case of Sofia Safdar in Gujrat is another example of the fate of victims of honour crimes in Pakistan. She was allegedly raped by her father and then poisoned by her family.¹¹⁷

Gender dimensions

Like victims of honour crimes all over the globe, in Pakistan it is mostly women who are the victims of such crimes. Nonetheless, these crimes are not restricted by gender. Men in Pakistan also fall victim to honour crimes.

According to statistics gathered by the Human Rights Commission of Pakistan, 160 men were declared *kara* in 2001 and 134 in 2002. In 2003, out of 271 women who were victims of honour killing in Punjab, 13 were killed along with men, and in Sindh 148 men were killed as *kara*. The report presented to the Senate in July 2013 stated that 1327 men were killed in honour crimes in the previous four years. Similarly, other honour crimes are not gender specific. For example, 11 men were victims of acid attacks in 2004.¹¹⁸

On 6th April 1999, Samia Sarwar, a 29-year-old mother of two, was killed in broad daylight in her lawyer’s office. She was seeking divorce from her husband after suffering years of physical abuse. Her parents accepted her returning to their house, but didn’t approve of her filing a case for divorce. She contacted Hina Jilani¹ when her parents were away on pilgrimage and was given refuge in Dastak.²

Her parents returned on 2nd April and managed to meet her after a well-known lawyer, politician and Senate member was asked to intercede with her lawyer on their behalf. In the second meeting, Samia agreed to meet her mother, Sultana, but no one else. Sultana, a medical doctor by profession, came along with Samia’s paternal uncle (who was asked to wait in the lobby) and an unidentified man. She introduced the man as her helper because she needed assistance in walking. Upon entering the meeting room, the “helper” pulled out a gun and shot Samia in the head. While the “helper” was killed by the law firm’s security guard, the mother and uncle managed to escape by taking a senior staff member hostage. There were no arrests made. Samia’s parents managed to pull some strings in the social, judicial and political arenas and the case was buried and forgotten like many other such cases.

1. Samia’s lawyer and director of AGHS legal aid.
2. A women’s shelter run by AGHS legal aid cell.

113 Shirkat Gah, “Karo Kari, Tor Tora, Siyahkari, Kala Kali”, op. cit.

114 Ibid.

115 This is called *mach* in the local language in Punjab.

116 Shirkat Gah, “Karo Kari, Tor Tora, Siyahkari, Kala Kali”, op. cit.

117 Aurat Foundation, “First bi-annual report on the situation of violence against women in Punjab” op. cit.

118 HRCP data on honour crimes.

Out of all the crimes committed in the name of honour in 2010, 14 per cent of the victims were men.¹¹⁹

Similarly, it is not always men who are the perpetrators of honour crimes. In certain cases, women also subscribe to the tribal or customary values that underlay such crimes. The case of Samia Sarwar is a telling example in this regard, where a mother played a crucial role in getting her own daughter killed. Such killings make honour crimes even more complex.

Religious perspectives

One of the most important views to note in this regard is the opinion of the Council of Islamic Ideology of Pakistan.¹²⁰ The council declared that “Islam does not permit anyone to punish his relative while doing an immoral activity himself taking the law in his hands. In such situation getting emotional and displaying jealousy for honour is natural. But Islam does not permit a man to punish a culprit of immoral act himself above the judicial authorities.”¹²¹ The council further added that “if a man kills accused provoked by emotions then the court will decide whether this crime can be seen or not in the light of general exceptions described in the criminal code, on case to case basis.”¹²²

Maulana Hassan Jan, a prominent religious scholar, ex-member of the Council of Islamic Ideology and Vice-President of Wifaq-ul-Madaris Pakistan,¹²³ has also declared this kind of killing un-Islamic and believes that rulings justifying these killings should not be issued by religious leaders. In his opinion, sanctioning men to kill someone in the name of honour will only spread anarchy in society.¹²⁴

Similarly, Jamia Uloom Islamia in Binori Town, Karachi¹²⁵ also issued a *fatwa*¹²⁶ declaring that all practices of honour killing are against Islamic rules, that it is the responsibility of the state, and that individuals should not take the law into their hands and kill someone in the name of honour. Darul Uloom Deoband¹²⁷ also issued a similar *fatwa* regarding honour killing, with an addition that made the state responsible for investigating such cases and ensuring the rule of law.¹²⁸

Nonetheless, some religious scholars sadly try to justify honour crimes in the light of a saying of the Prophet Muhammad (PBUH) which is in fact not directly linked to honour killing: “Whosoever among you sees a crime should stop it with his hand.”¹²⁹ They argue that in the light of this saying, action against culprits of adultery is justified and legal. Each man is made responsible for “forbidding evil”, and if a man does not rebuke adultery, he disobeys the norms of Islamic belief. Thus, “taking action against a stranger woman is as allowed as against one’s own wife or relative.”¹³⁰

In this regard, Maulana Hassan Jan opines that bringing honour crimes under the umbrella of “forbidding evil” is against the teaching of Islam. An ordinary man is not allowed to do so, as it is the prerogative of courts and

119 Phyllis Chesler and Nathan Bloom, op. cit., p. 46.

120 A constitutional body comprised of prominent Islamic scholars that suggests measures for Islamisation of the country’s laws to the government.

121 139th meeting of the Council held in December 2000.

122 Niaz Mohammad, Mufti Mohammad Mushtaq Ahmed, Abdullah Abdullah, Fazle Omer and Naqeeb Hussain, op. cit, p. 182.

123 The federation of religious seminaries of the country.

124 Niaz Mohammad, Mufti Mohammad Mushtaq Ahmed, Abdullah Abdullah, Fazle Omer and Naqeeb Hussain, op. cit., p. 182.

125 One of the most prominent Islamic schools in Pakistan.

126 Islamic legal declaration.

127 Famous religious centre and main *fatwa*-issuing body in India and Pakistan.

128 Niaz Mohammad, Mufti Mohammad Mushtaq Ahmed, Abdullah Abdullah, Fazle Omer and Naqeeb Hussain, op. cit., p. 182.

129 Ibid., p. 183.

130 Ibid.



governments. Allowing a layman to kill someone accused or guilty of a crime will open the door for people to kill each other on one pretext or another, and this situation will create chaos and panic in society.¹³¹

Honour crimes in Pakistan: A Detailed analysis

Social attitudes and role of stakeholders

Pakistan is a patriarchal society where the majority of women are reliant on men financially and in terms of protection.¹³² This dependency has resulted in the unconditional acceptance by women of discriminatory practices and inferior roles.¹³³

Women's dependence on men and acceptance of prescribed roles is further cemented by social, cultural and religious beliefs and norms that exist across the country to varying degrees.¹³⁴ This reduces women to their "sexual/reproductive potential" and limits their contribution as a valuable human resource to the overall progress of society.¹³⁵

In addition, these social patterns, commonly considered customs or traditions, also authenticate acts of torture, violence and murder, and it is no surprise that Pakistan is ranked among the countries with the highest rates of dowry murder, honour killing and early marriage.¹³⁶

Standards of chastity and honour are applied differently to men and women in Pakistan. Especially in Khyber Pakhtunkhwa and Balochistan, men rarely get punished for illicit relationships, while women are killed merely on the basis of suspicion, rumour or hearsay.¹³⁷ Moreover, majority of people in Pakistan prefer to maintain silence over crimes committed in the name of honour. All these factors have contributed to the high rate of honour crimes in Pakistan.

Along with societal acceptance on a large scale, the poor implementation of laws is also one of the major reasons for the high number of honour crimes in Pakistan. Loopholes in the law allow perpetrators to go unpunished. According to some estimates only 20 per cent of honour killings go to the courts.¹³⁸

Earlier, perpetrators could claim "sudden and grave provocation" and resort to the "rhetoric of justice". In a majority of cases their pleas were accepted by the judges and their punishments were minimised.

In 2004, the government passed a law according to which murders committed in the name of honour would be considered intentional murder. However, the law has been made dysfunctional by the inclusion of the practices of *qisas*¹³⁹ and *diyat*.¹⁴⁰ In almost all cases the murderers are close relatives of the victims, such as the father, brother or husband, who also have the privilege to settle the issue on behalf of the killed woman. This implies that when a father, brother or husband kills his wife, sister or daughter, the family sits together and resolves the

131 Ibid. p. 184.

132 Diana Y. Vitoshka, op. cit.

133 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 121.

134 Phyllis Chesler and Nathan Bloom, op. cit.

135 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

136 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit., p. 121.

137 Noor Akbar Khalil and Mashhood Ahmed Sheikh, "Political Manipulation in Human Rights Violations: A Case of Honour Killings in Balochistan, Pakistan", *Pakistaniaat: A Journal of Pakistan Studies*, vol. 2, no. 2, 2010.

138 Ibid., p. 2.

139 Retribution for murder and bodily hurt, e.g. an eye for an eye.

140 Blood money payable to the heirs of a victim in case of murder.

case before it goes to the police for investigation or to court for decision. Even if it goes to the police or court, the men still have the power to withdraw the case or grant the killer forgiveness.

A recent research report by a national NGO revealed that this law has not improved the situation of honour killing to a great extent. The difference that has been made is insignificant.¹⁴¹ Similarly, a study by the National Commission on the Status of Women (NCSW) of the *qisas* and *diyat* laws also confirmed that “crimes committed against women by relatives, such as honour killings, remained unpunished because the criminal was pardoned by family members, or the victims were coerced into accepting compensation.”¹⁴²

Karo kari cells with a toll-free telephone number have been set up by police in Sindh in the districts of Sukkur, Ghotki, Khairpur and Naushahro Feroze. They aim at encouraging people to report *karo kari* incidents. Since honour crimes usually occur within families, very few cases have been reported on this number.¹⁴³

In addition to these gaps, there is also a marked absence of rule of law. “In Pakistan the problem is that the rule of law is associated with the influential, the powerful, and the affluent, with the tribes or *baradaries*. The more one is powerful, the more law is on his side.”¹⁴⁴

The Samia Sarwar case can be cited again as an example of social attitudes towards this issue and the prevalence of rule of law. In this case, we saw the “naked display of wealth, privilege and political power.”¹⁴⁵ At the time of her killing, she was a law student. Her mother was a medical doctor, and her father was president of the Chamber of Commerce in Khyber Pakhtunkhwa (NWFP at that time). It was a premeditated murder committed in broad daylight on the premises of an internationally known law firm. The parents used their political and social contacts to get access to their daughter and hired a poor man to do the killing. The NWFP Chamber of Commerce along with several religious organisations issued statements in favour of Samia’s father, and declared her killing in accordance with tribal laws and customs. Instead, *fatwas* were issued against Hina Jilani and Asma Jahangir¹⁴⁶ declaring them infidels deserving to be killed.¹⁴⁷

The state remained silent, and when a resolution was moved in the Senate by Senator Iqbal Haider it was not approved and it was buried in the same way as her case. No arrests have been made in the case until today.

This case not only brings to light the failure of the state to implement the law, but also exposes the feudalistic approach of lawmakers sitting in parliament. In another instance, during the discussion in the Senate over the killings of five women who were buried alive in Balochistan, one cabinet member elected from Balochistan not only justified and defended these killings as a centuries-old tradition, but also asked other parliamentarians not to meddle with tribal customs.¹⁴⁸

141 Maliha Zia Lari, op. cit.

142 Unicef, “Situation Analysis of Women and Children in Pakistan”, op. cit.

143 Ibid.

144 Comments by Salman Abid, Regional Director, Strengthening Participatory Organisation (SPO), during an advocacy session on “Honour Crimes in Pakistan and Access to Justice” arranged by CAMP on 18 September 2013 in Lahore.

145 Rabia Ali, op. cit.

146 Leading Pakistani lawyer, advocate of the Supreme Court of Pakistan, ex-president of the Supreme Court Bar Association of Pakistan and human rights activist.

147 Rabia Ali, op. cit.

148 Noor Akbar Khalil and Mashhood Ahmed Sheikh, op. cit., p. 4.



In the view of honour crimes as part of custom and tradition the role of local *waderas, sardars, nawabs*¹⁴⁹ or *maliks*¹⁵⁰ cannot be underestimated. A majority of them support the practice as an essential part of their customs.¹⁵¹ Local leaders have a pivotal role in the perpetration of honour crimes because people prefer to resort to their authority. Such cases are considered a matter of honour and shame and people want to keep them within their family, tribe or area rather than sharing the details publicly. This is why a large number of people still resort to local mechanisms of justice dispensation or dispute resolution.

A large majority of these local leaders are well-educated and well-travelled. They are also well versed with changes happening at a global level and many of them sit in parliaments representing people. However, they are not interested in changing the medieval traditions in the world they represent. To quote Mir Hazar Khan Bajarni, a former federal defence minister: "It is an old tribal ritual which people sometimes misuse for their vested interests, but a genuine *kari* and *karo* cannot be spared. Both must be eliminated if proven guilty. This is a centuries-old tradition and cannot be removed by the stroke of a pen."¹⁵²

It is these *sardars, waderas, nawabs* or *maliks* who preside over *jirgas, panchayats* or *faisalo*¹⁵³ and decide an appropriate settlement according to the damage done in terms of land, money or women. If it is money, they usually have a considerable share in it. In rare cases, women's lives are spared as a result of these tribal leaders' interventions; the leaders then have absolute power of disposal over the women. They not only become a life-long servant in the chief's household but are also used for sexual gratification. As an alternative option, they are auctioned off to the highest bidder. There is evidence that in Sibi, accused women are auctioned to men from other tribes in the annual cattle fair. The local *sardar* deducts a percentage of the price obtained and the rest is sent to the husband or father.¹⁵⁴

A major reason for this dependence on informal justice systems or local chiefs is the complicated judicial system. Lower courts are commonly perceived as being inefficient and corrupt.¹⁵⁵ Judicial proceedings are very time-consuming, and appeals also take a long time. People want a quick and cheap solution to their problems.

Along with these complicated and lengthy judicial processes, the attitudes of judges also contribute towards discouraging people, especially victims of honour crimes, from pursuing their cases. In Mukhtaran Mai's case, judges asked how four persons could be given the death penalty for committing an offence against a single woman who was still alive.¹⁵⁶ In this regard, Samia Sarwar's case can also be cited again: "A girl [Samia Sarwar] was killed in my room and from the highest level of the judiciary and executive what I was getting was 'Leave it, she was their daughter, why are you getting involved in this matter?' Nobody thought that it is a condemnable practice."¹⁵⁷

While studying the dynamics of honour crimes in Pakistan, the role of the police should also not be ignored. Local police usually turn a blind eye to these cases. In Sindh, police officers are often informed beforehand of incidents of *karo kari*. People usually go to the police station with the weapon of the crime and present themselves to the police.

149 Balochi feudal lords.

150 Pashtun feudal lords.

151 Rabia Ali, op. cit.

152 Ibid.

153 Traditional system of settlement and dispute resolution in Sindh.

154 Rabia Ali, op. cit.

155 Unicef, "Situation Analysis of Women and Children in Pakistan", op. cit.

156 Rabia Ali, op. cit.

157 In-depth interview with Hina Jilani, women's rights activist and director, HRCF, Lahore, 20 August 2013.

Since it is a crime of honour, the police are expected to give some compensation, and in most cases police oblige and treat the perpetrators well, because deep down they think that the person has done something good. Sometimes the *wadera* or *sardar* also informs the police about the occurrence of a crime and directs them not to take any action.

Corruption also plays a role. Police stations in Jacobabad are reportedly considered “gold mines” because of the high number of *karo kari* incidents in the district.¹⁵⁸

Similarly, reporting and prosecution of rape cases is very rare. Police officers allegedly abuse or threaten victims and force them to drop charges, especially after receiving bribes from alleged perpetrators. Some policemen also demand bribes from victims before registering rape charges and investigations. Increased awareness has necessitated the use of post-rape medical testing, but the lack of sufficient and trained staff in many areas complicates prosecution further.¹⁵⁹

Women who try to report other honour-related abuses face serious hurdles. Police and judges are most of the time hesitant to take action in domestic violence cases, considering them family or personal problems. Rather than filing reports, police traditionally react by encouraging women or their families to reconcile, and abused women are often returned to their abusive family members. Women themselves may also be unwilling to pursue charges because of the taboos associated with divorce and their economic and psychological dependence on male relatives. Their families may be reluctant to report violence due to fear of bringing disrepute to the family.¹⁶⁰

The attitudes demonstrated by the police and judges reflect the overwhelming social acceptance of honour crimes, the influence of power holders and the absence of rule of law. Policemen are part of Pakistani society in which women are not held in very high regard.

There is, however, another side of the picture. Though the situation is still grim with regard to honour crimes in Pakistan, some positive changes have also occurred over the years. Previously people could not speak against decisions, but now in some cases the accused party, and in rare cases women, are also given a chance to speak up in their defence. Women who are accused of *kali* in Punjab and are in the custody of a *sardar* are allowed to meet with the women of their family, and in Khyber Pakhtunkhwa couples are also being married to each other instead of being murdered immediately.¹⁶¹ Overall, awareness is increasing in society, and this can be attributed to the active role played by civil society including NGOs and the media.

After the formation of Pakistan many organisations started working for the welfare of women. The All Pakistan Women’s Association (APWA) formed in 1949 as a voluntary body and led by Raana Liaquat Ali Khan was the most prominent. It was open to all Pakistani women over 16 years of age. It aimed at increasing literacy rates for women and started many schools, colleges and handicraft centres all over the country. However, it was mostly women living in cities who benefited from the work done by APWA, while in rural areas it remained largely unrepresented.¹⁶²

APWA’s most remarkable contribution was laying the groundwork that later paved the way for the ratification of the Family Law of 1961, which formally guaranteed proper procedures for marriage and divorce. Polygamy was also made conditional on obtaining permission from the first wife. Further, local arbitration courts were set up

158 Rabia Ali, *op. cit.*

159 Unicef, “Situation Analysis of Women and Children in Pakistan”, *op. cit.*

160 *Ibid.*

161 Shirkat Gah, “Karo Kari, Tor Tora, Siyahkari, Kala Kali”, *op. cit.*

162 Iftikhar H. Malik, *Culture and Customs of Pakistan*, Greenwood Press, 2008, p. 134.



under this law to settle family feuds and cases of divorce, barring men from completing divorce in a single day. It made the certification of marriage obligatory and raised the marriageable age for both boys and girls.

During the 1970s the elected government of Zulfikar Ali Bhutto ensured more political rights for women and established a high-level committee to submit recommendations for the removal of biases prevalent in Pakistani society against women.¹⁶³

The report submitted by this committee was never made public, and Bhutto's government was toppled by General Zia-ul-Haq in a military coup in July 1977. Since Zia wanted to establish his supporters outside the army, he decided to appease clerics and introduced a number of laws under the slogan of Islamisation. All the rights that women and minorities had managed to attain were revoked. The laws introduced by Zia declared the evidence of two women equal to that of a man, established death by stoning as a punishment for adultery and discouraged family planning.¹⁶⁴

The steps taken by General Zia also removed the differences between an adulterer and a rape victim, and several women were put behind bars on the basis of even minor suspicions on the part of relatives. People started using the law to settle other disputes as well. For example several land-based cases became cases of adultery.

Despite these hostile conditions many women initiated a struggle for women's rights and several organisations such as the Women's Action Forum (WAF), Aurat Foundation and Shirkat Gah were formed. The preliminary work done by these women eventually led to the establishment of the Human Rights Commission of Pakistan (HRCP).

The subsequent democratic governments of Benazir Bhutto and Nawaz Sharif did little to remove the tyrannical laws made by General Zia, and instead focused on appeasing the conservative and clerical sections of society. General Pervaiz Musharraf's military government opened up society to a great extent. Women's representation in local bodies and assemblies also increased, yet several discriminatory laws against women continued to persist.¹⁶⁵

After persistent efforts by women's rights organisations, the Women Protection Act (2006) was passed by the National Assembly, amending the highly controversial Hudood Ordinance in order to provide justice and relief to innocent women and victims of heinous crimes. The act took rape out of the purview of *Shariah* and placed it under civil law and the Pakistan Penal Code as was the case previously.¹⁶⁶

During the PPP regime led by Asif Ali Zardari, the government adopted laws in response to civil society lobbying for strengthening the protection of women against discrimination and violence. In the same context, civil society continued to highlight violations of human and women's rights through various platforms.

Along with NGOs, the media has played an active role in increasing awareness on the issue of honour crimes in Pakistan. In recent years such incidents have received a great deal of coverage in the press and electronic media. The media has brought forward many cases and forced the concerned authorities not only to take notice of the issue but also to act against the perpetrators.

Most of the reporting, however, does not convey the horror that a victim has to suffer, nor does it answer the

163 Ibid.

164 Ibid., p. 135.

165 Ibid.

166 Shirkat Gah, "Karo Kari, Tor Tora, Siyahkari, Kala Kali", op. cit.

basic questions: why a particular honour crime happened, how, and with what consequences.¹⁶⁷ Moreover, reporting of honour crime cases is done in a very casual manner, as if honour crimes are routine or insignificant cases and do not need to be investigated before they are reported:

Media's reporting on incidents of violence against women, such as honour killings, murder, acid throwing, sexual violence, and even marrying a person of their own choice, reflects the deep biases against women existing in society. Reports covering these topics focus on details to suggest that women are somehow responsible for whatever happened to them.

Although it is well-known that monetary and other disputes are involved in many cases of honour killings, journalists rarely make an effort to uncover the real motives. With the boom of electronic media in Pakistan, sensationalism in reporting of crimes against women has increased.¹⁶⁸

Another element that has emerged is that honour crime stories are usually treated as fillers, consisting of four or five lines. The most disturbing revelation is that pseudonyms are not used to protect victims of honour crime, which shows the insensitivity of the media.¹⁶⁹

Unfortunately this reinforces that women in Pakistan do not have an identity of their own. Their identity and right to life are completely dependent on their relationship to a man. The embodiment of sexuality attached to them accords them special treatment and protection. However, they are protected only as long as they abide by prescribed codes and customs.

The moment they decide to walk out of the boundaries set for them, their protectors become perpetrators. Even if they abide by the rules, they are still prone to violent mental or physical abuse by men from their own family or strangers. The state has the responsibility to protect their life, liberty and right to equal status and opportunities, but laws have been enacted that legitimise various forms of violence against women and set free the men who rape, beat, abduct, burn or kill them.

After presenting a situational analysis of honour crimes in Pakistan and role of various stakeholders, the subsequent chapters will present the findings of the nationwide survey conducted by CAMP. While a number of organisations are already working on the issue of honour crimes, CAMP was in a unique position to draw from its previous research works on *jirga* and the implementation of formal and informal justice mechanisms in Pakistan. This research study is based on both qualitative and quantitative data. Chapter 2 presents most trusted sources of information by the Pakistani population.

167 Rabia Ali, op. cit.

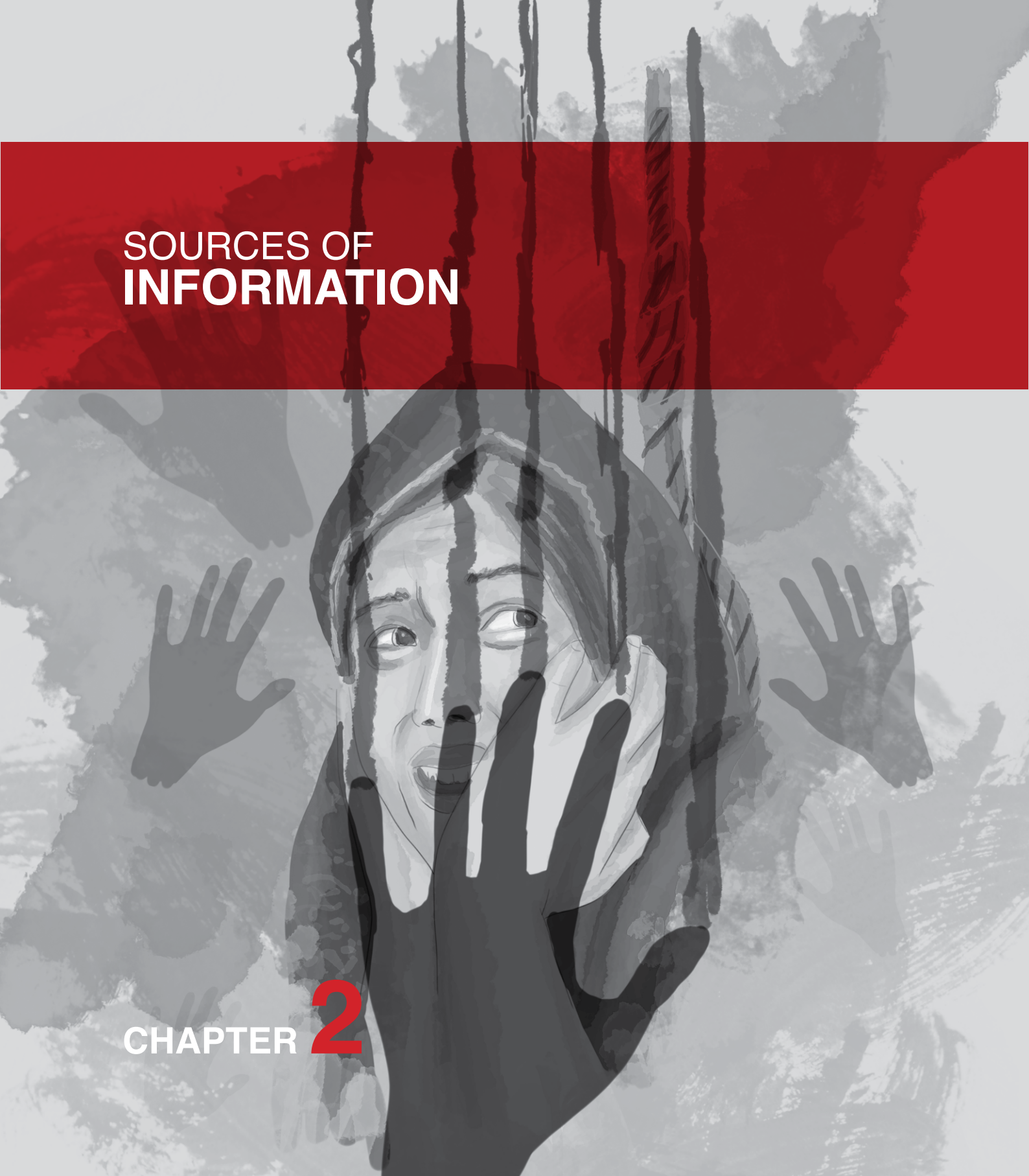
168 Excerpts from an article published in CAMP's newsletter *Honour Crimes Watch*.

169 Ibid.



SOURCES OF INFORMATION

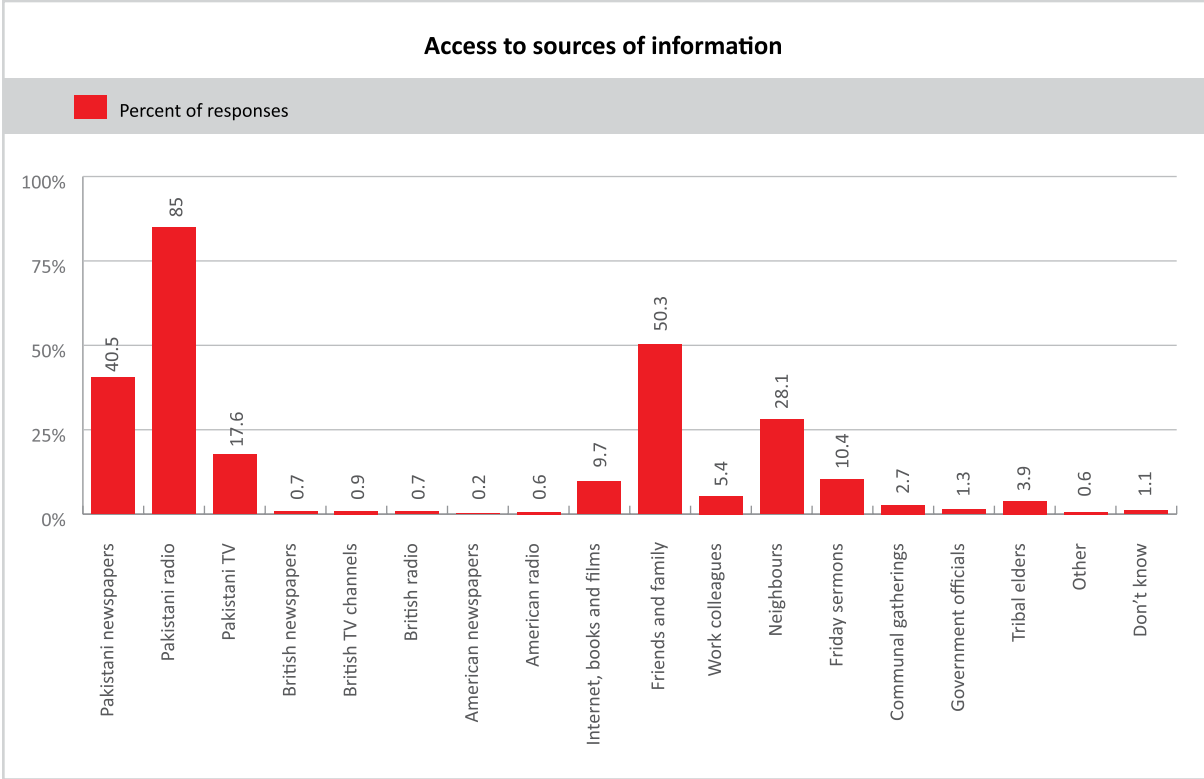
CHAPTER **2**



SOURCES OF INFORMATION

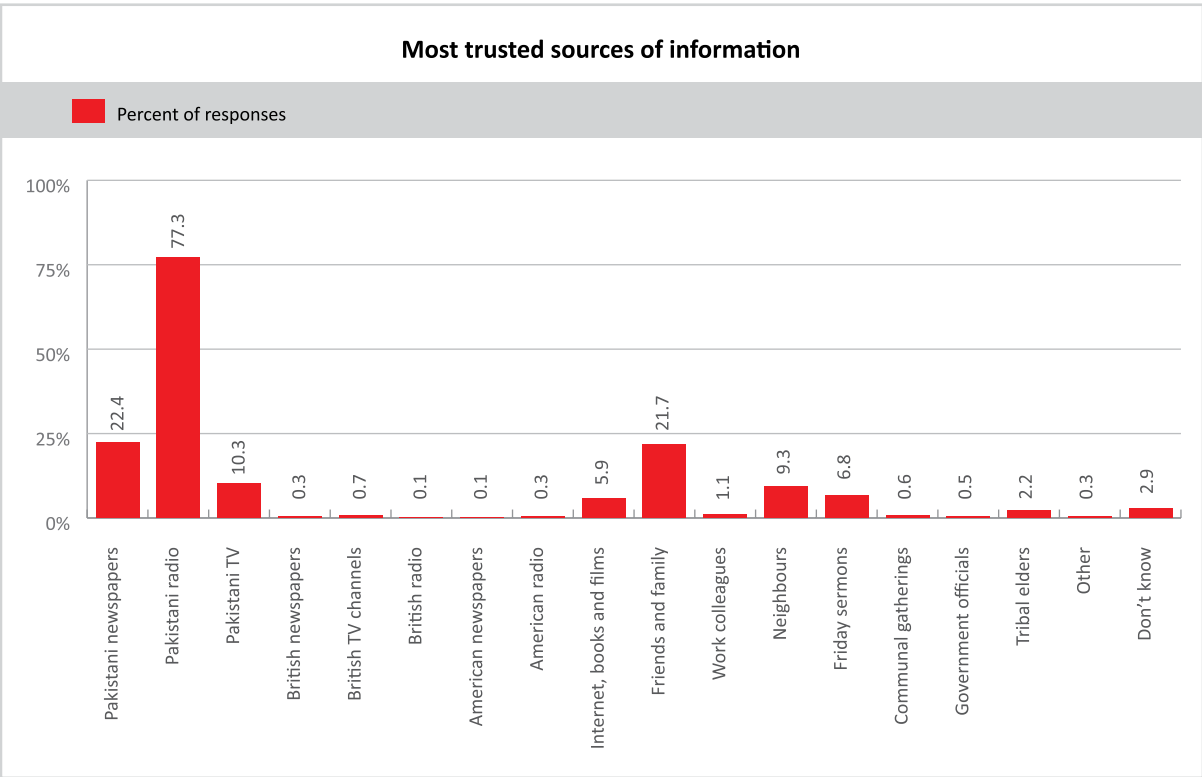
The questionnaire began by asking respondents across Pakistan about their modes of access to information. In developing countries it has been seen that well-articulated information is vital to eradicate ignorance and to create awareness of problems in society. Difficulty accessing information hinders reporting of honour crimes and conceals the exact number of such crimes committed. Therefore, the survey asked respondents which sources of information they used and relied upon, for instance, newspapers, radio and television.

In their evaluation of foreign sources, a minor percentage of respondents identified British radio (0.7%), British newspapers (0.7%) and British television (0.9%) as the most accessible sources of information. This was slightly higher than the percentage that opted for American newspapers (0.2%) and American radio (0.6%). The survey identified that Pakistani newspapers (40.5%) are comparatively more accessible to the respondents than foreign sources of information. Only 17.6% of respondents said that they have access to television, which could be due to the unavailability or cost of television sets. Interestingly, 40.5% of respondents said that radio was an easily accessible channel of information. 9.7% said that they have access to Internet, books and films. Among other sources of information, survey respondents mentioned family and friends (50.3%), neighbours (28.1%), work colleagues (2.4%), Friday sermons (10.4%), communal gatherings (2.7%), government officials (1.3%) and tribal elders (3.9%).



Most trusted sources of information

The survey went on to ask respondents about their most trusted sources of information. As expected, few responses gave British (0.3% newspapers, 0.7% television and 0.1% radio) and American media (0.1% television and 0.3% radio) as trusted sources of information. This can be attributed to the absence of cable network service in most rural districts; furthermore the distrust also seems to stem from negative perceptions of the American “War on Terror”. Only 22.4% relied on Pakistani newspapers; however the low percentage is understandable due to low levels of literacy, especially in rural parts of the country. A majority of the respondents, 77.3%, identified Pakistani radio as their main source of information, as it is easily accessible throughout Pakistan. Again, only 10.3% identified Pakistani television. As mentioned before, this can be attributed to the unaffordability of television sets and unavailability of cable networks. Only 5.9% said that they trusted the Internet, books and films as sources of information. Among various social networks, respondents believed that friends and family (21.7%), work colleagues (1.1%), neighbours (9.3%), Friday sermons (6.8%), communal gatherings (0.6%), government officials (0.5%) and tribal elders (2.2%) are additional reliable sources of information. Furthermore, female respondents were more likely to rely on social networking as a source of information than males, especially in rural areas where this is embedded in their culture. These social gatherings include weddings, engagements, fetching water from springs or tube wells and other occasions where women can meet their friends and relatives and speak.





FUNDAMENTAL
HUMAN RIGHTS

CHAPTER **3**

FUNDAMENTAL HUMAN RIGHTS

The state of fundamental rights in Pakistan

The formal legal framework is not the sole regulatory law governing the lives of people belonging to diverse segments of society in Pakistan. The survey therefore addresses the interplay between international law, constitutional provisions and Islamic principles that recognise and protect the rights of people in Pakistan, particularly marginalised groups including women and minorities. It also examines the governance structures that implement laws formulated at the provincial level,¹⁷⁰ and the local customs and institutions that ultimately decide codes of conduct in Pakistan. Furthermore, informal justice systems and customary laws play a considerable role in dispensing justice and are accessible to the majority of the population.

This chapter examines the principles of universal fundamental rights and their reflection in Pakistan's constitution. It also highlights the perceptions of the population regarding human rights law reflected in international instruments, the Pakistani constitution, domestic legislation and Islamic principles. It goes on to focus on perceptions of the state's role in addressing human rights abuses. This analysis of local attitudes will provide a clearer understanding of the loopholes in Pakistan's justice mechanisms and areas that are in dire need of reform.

International human rights law

What are human rights?

Human rights are the basic rights and freedoms that all people are entitled to regardless of nationality, gender, or ethnic origin, race, religion or language. They are legal guarantees dealing mainly with how people should be treated by others, especially their government and state institutions. Human rights are protected and upheld by both international and national laws and instruments. Unlike the archaic concept of a state's omnipotent sovereignty, international human rights enforce restrictions on the state's power so that it treats its citizens and residents in accordance with human rights standards. Today, most countries' laws or national constitutions, guarantee rights to all citizens as well as all people living temporarily or permanently in the country. In doing that, most countries acknowledge rights listed in the Universal Declaration of Human Rights (UDHR), which is seen as the primary international articulation of the fundamental and inalienable rights of all members of the human family. Human rights include civil and political rights, such as the right to life, liberty and freedom of expression, and social, cultural and economic rights including the right to participate in culture, the right to food, shelter and the right to work, freedom to practice a religion of choice and receive an education.¹⁷¹

International human rights law

Traditionally public international law – commonly also referred to as international law¹⁷² – was a legal order which applied only to the interaction between states. States were considered the only actors of internation-

170 Shaheen Sardar Ali and Javaid Rehman, *Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives* (Routledge, 2001), p. 3.

171 "Human Rights Handbook for Parliamentarians", Office of the United Nations High Commissioner for Human Rights, <http://www.ohchr.org/Documents/Publications/training13en.pdf>.

172 Malcolm N. Shaw, *International Law* (6th edn, Cambridge University Press, Cambridge, 2008), p. 1.

al law and international law dealt with relations amongst them. In contrast, the relation between a state and an individual was not within the scope of international law. That was a matter addressed by each state itself, in which no other state was allowed to interfere.¹⁷³ However, the 19th century rules of international law emerged aimed at benefiting individuals and protecting them.¹⁷⁴ While these rules obliged states to respect certain standards when dealing with individuals, they did not confer any rights to individuals.¹⁷⁵ However, this significantly changed in the course of the 20th century with the emergence of international human rights. The development of international human rights can be attributed to the large scale of human rights violations before and during World War II, which after the war, led to the hope that such disasters may, in the future be avoided by internationally protecting “human rights as both an end and a means of helping to ensure international peace and security.”¹⁷⁶

In contrast to national legal systems, the international legal order is not structured into legislature, executive and judiciary. On the international level, states are the fundamental subjects of the legal system and the existence of international law is dependent on the consent of the sovereign states. The three main sources of international law out of which international human rights arise are defined in a key provision in the Statute of the International Court of Justice (ICJ), including international treaties, international customary law, general principles of law and decisions of courts and tribunals.¹⁷⁷

The legal status of international law in Pakistan

Traditionally, national law governed the domestic aspects of government, whereas international law primarily dealt with relations between states. However, this is no longer true. Human rights, for example, are a cross-cutting issue: if a state is bound to respect and protect human rights through international law, then this automatically creates a relationship between the state and individuals who are under its jurisdiction. Therefore, the legal relationship between international law and national law is interdependent. This relationship becomes particularly relevant where there is a conflict of obligations, i.e. when the content of national law and a rule of international law contradict one another, or, if in national law a specific right is not conferred to an individual, yet it is a right that the state must provide under international obligations.¹⁷⁸

The legal status of international law in Pakistan is such that international law is only legally binding and enforceable if it is incorporated into domestic law through Pakistani legislation.¹⁷⁹ Therefore, the state fulfils its international human rights obligations by passing national laws on certain topics. For example, Pakistan adopted the Juvenile Justice System Ordinance (2000), to better protect the rights of children as is demanded by the Child Rights Convention (CRC). However, even where Pakistan has not provided for national legislation to transform international law into domestic law, it may be noted that Pakistani courts do try to implement international

173 Rhona K. M. Smith, *Textbook on International Human Rights* (4th edn), Oxford University Press, New York 2010, p. 6 et seq.

174 Kate Parlett, *The Individual in the International Legal System: Continuity and Change in International Law and Comparative Law* (Cambridge Studies in International and Comparative Law, Cambridge 2011), p. 338.

175 Ibid.

176 David Weissbrodt, Fionnuala Ní Aoláin, Joan Fitzpatrick, Frank Newman, *International Human Rights: Law, Policy and Process* (4th edn., Lexisnexis, New Providence 2009), p. 10.

177 See for example Ian Brownlie, *Principles of Public International Law* (7th edn Oxford University Press, Oxford 2008) 5.

178 Malcolm N Shaw, *op. cit.*, p. 133

179 *Société Générale de Surveillance v Pakistan* [2002], Appeal to Supreme Court, Civil Appeal Nos 459, 460 [2002 SCMR 1694] [Paragraphs 23-24].



law provided that it is not in conflict with the Pakistani constitution or statutory law.¹⁸⁰ Nevertheless, generally speaking, only where international law has been incorporated into national law will a claim derived from international law be justifiable before Pakistan’s court.

On the other hand, in an international context, it must be noted that a state violating international law that is binding upon it can never justify this neglect of international law.¹⁸¹ If that were to be the case, every state could easily undermine international law. Such non-adherence to treaty obligations would amount to a breach of international law, which could result in counter-actions by other states party to the treaty under consideration.

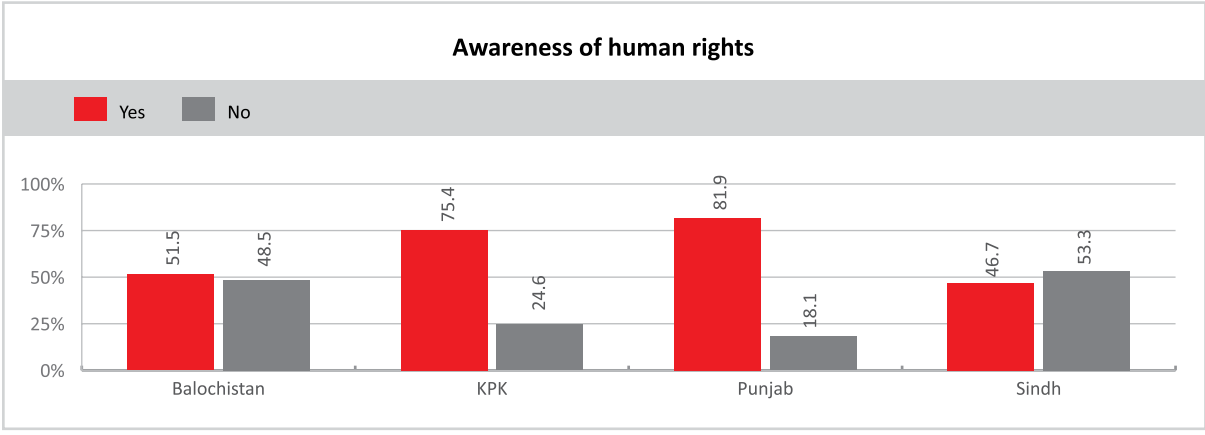
Perception of human rights in Pakistan

The study investigated how Pakistanis perceive human rights through key informant interviews and the structured questionnaire.

Key informants across the country viewed human rights from different angles. For some, they included the availability of equal facilities irrespective of caste, creed, colour, religion and gender, whereas for others it meant equality of treatment. Most respondents identified the right to education as the most imperative human right.¹⁸² They argued that the importance of education stems from the fact that it teaches humans to differentiate between right and wrong.¹⁸³ Other respondents believed that the rights to life, freedom of expression, provision of health facilities, to fair trial and inheritance also constituted inviolable human rights.¹⁸⁴

The following section examines how survey respondents reacted to the question posed by the survey.

Awareness of human right



180 Ms. Shehla Zia & Others v WAPDA [1994], Supreme Court of Pakistan [PLD 1994 SC 693] [para. 9]; Faqir Hussain, “Seizure, Confiscation and Asset Recovery”, Background Paper, p. 2, <http://www.oecd.org/dataoecd/21/4/35167365.pdf>.

181 While this rule is explicitly stipulated with regard to international treaty law in Article 27 of the Vienna Convention on the Law of Treaties, this rule is also valid for states which are not party to the Vienna Convention as this norm is also part of international customary law (see Mark E. Villiger, *Commentary on the 1969 Vienna Convention on the Law of Treaties* (Martinus Nijhoff Publishers, Leiden 2009) p. 374 et seq.), which is why it is also binding on Pakistan.

182 Key informant interviews (KIIs) in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

183 Ibid.

184 Ibid.

The cross-tabulation of data by province illustrates that overwhelming majority of the respondents in Punjab (81.9%) and KPK (75.4%) confirmed that they were aware of human rights, whereas 18.1% in Punjab and 24.6% in KPK were not aware of human rights. However, in contrast approximately half of the respondents in Balochistan (51.5%) and less than half in Sindh (46.7%) confirmed that they were aware of human rights. In Balochistan less than half (48.5%), and more than half (53.3%) in Sindh were unaware of human rights. Overall, the national data shows that more than 6 out of 10 people in Pakistan (63.88%) are unaware of human rights. This number raises serious concerns regarding the level of awareness and exposure of the local population to human rights standards, while it also raises questions about the quality of education in these regions. It further underlines the need to raise awareness regarding fundamental human rights in order to equip the common man with weapons to defend his rights.

Relevant human rights documents

The Universal Declaration of Human Rights (UDHR) was the first expression of fundamental rights to be universally protected. It was adopted by the General Assembly of the United Nations on 10 December 1948 and states that all “human beings are born free and equal in dignity and rights.”¹⁸⁵ The Declaration includes 30 articles, which have been the driving force behind subsequent international human rights treaties, regional human rights instruments, national constitutions and laws. The UDHR declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. This declaration primarily includes civil and political rights, such as the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, such as the right to social security, health and education.

However, this document does not directly bind countries to any legal framework. It was explicitly adopted for the purpose of defining the meaning of the words “fundamental freedoms” and “human rights” appearing in the United Nations Charter, which is binding on all member states. It is an expression of the fundamental values that are shared by all members of the international community, and therefore serves as one of the chief constitutive documents of the United Nations. The 1968 United Nations International Conference on Human Rights, stressing the importance of the declaration, declared that it “constitutes an obligation for the members of the international community”.¹⁸⁶ The declaration has had a profound influence on the development of international human rights law globally and has become binding as a part of customary international law due to its extensive use over the years.¹⁸⁷

As Pakistan has by now acceded to many of the major human rights treaties, the legal relevance of the UDHR has become less significant. However, the declaration has served as the foundation for two binding UN human rights covenants, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The principles of this historic declaration are elaborated in international treaties.

Knowledge of human rights

The next section of the survey tested respondents’ knowledge of the fundamental rights protected by various instruments of international law mentioned above. The analysis will enable us to understand the gaps in the awareness of members of the population which are perhaps one of the principal factors behind violations of women’s rights and crimes of honour in Pakistan.

185 The Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>.

186 The International Bill of Human Rights, <http://www.ohchr.org/Documents/Publications/FactSheet2Rev1en.pdf>.

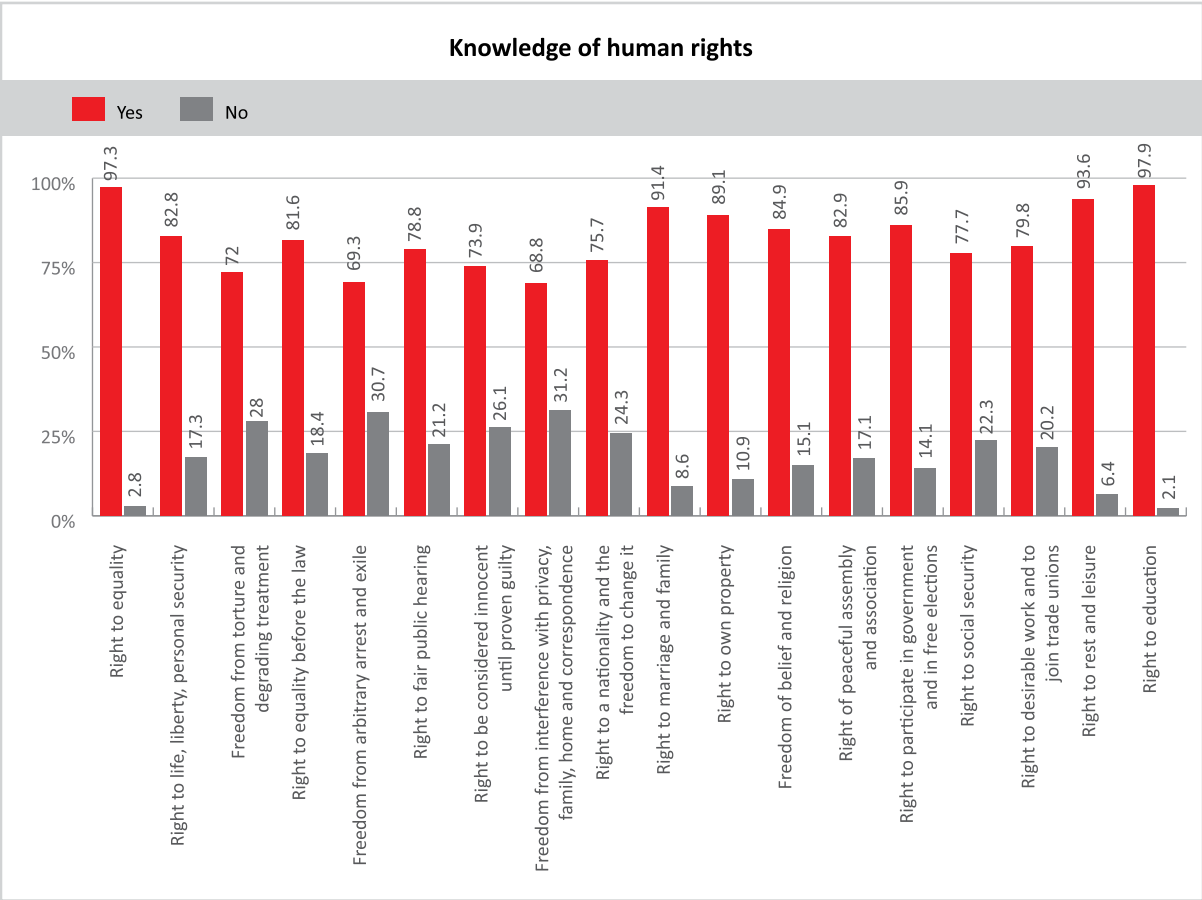
187 Hurst Hannum, “The status of UDHR in National and International Law”, *Georgia Journal of International and Comparative Law*, vol. 25, 1995.



The 74.8% of the respondents who answered that they were aware of human rights were further asked if they had knowledge of the various fundamental human rights listed in the table below. Surveyors read the list so that respondents would have a better idea of the long list of different human rights.

Positive responses were as follows, in decreasing order: right to education (97.9%), right to equality (97.3%), right to rest and leisure (93.6%), right to marriage and family (91.4%), right to own property (89.1%), right to participate in government and free elections (85.9%), freedom of belief and religion (84.9%), right to life, liberty, right of peaceful assembly and association (82.9%), personal security (82.8%), freedom from arbitrary arrest and exile (81.6%), right to desirable work and to join trade unions (79.8%), right to fair public hearing (78.8%), right to social security (77.7%), right to a nationality and the freedom to change it (75.5%), right to be considered innocent until proven guilty (73.9%), freedom from torture and degrading treatment (72%), freedom from arbitrary arrest and exile (69.3%) and freedom from interference with privacy, family, home and correspondence (68.8%).

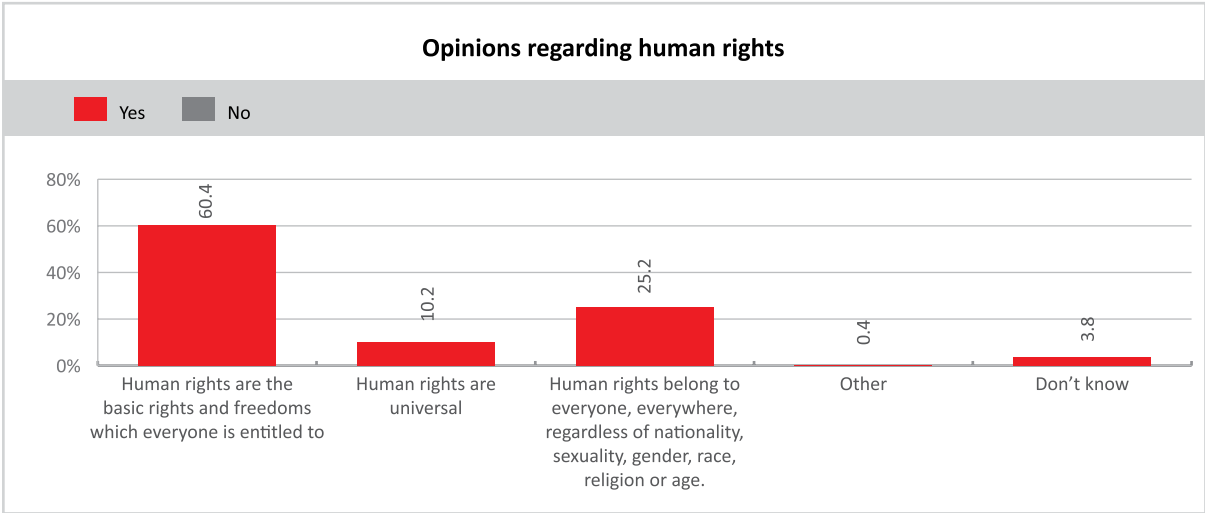
The above data might suggest that respondents have a good idea about aspects of human rights. However, it should be noted that the list was shared with the respondents, which made it easy for them to first understand and then identify the rights. These answers can therefore not be used as indicators gauging the level of knowledge of the respondents.



Opinions regarding human rights

To ascertain the opinion of the population and to gain an understanding of their knowledge regarding human rights, the opinion of 2,140 male and female respondents was gathered systematically.

The respondents were presented with a range of definitions for human rights and were asked to select one that best represents their views. A majority (60.4%) opined that human rights are basic rights and freedoms that every individual is entitled to. A quarter (25.2%) of the respondents believed that human rights belong to everyone, everywhere, regardless of nationality, sexuality, gender, race, religion or age. 10.2% of the respondents



answered that human rights are universal. It should also be noted that 3.8% of the respondents were unable to offer their opinion due to their lack of awareness regarding the subject.

Awareness of international law

This section examines the respondents’ level of awareness in relation to international law.

The key informants interviewed seemed to have a vague understanding of what constituted international law. Many key informants identified this source of “foreign law” as being associated with the rights of women, minorities and children.¹⁸⁸ Others stated that international law protects the right to life for everyone according to their faith and customs, irrespective of their religion, race and gender.¹⁸⁹ Some believed that international law has stronger enforcement mechanisms, but that the environment it is usually implemented in (the West) differs from theirs.¹⁹⁰ However, it was also noted that most key informants, including teachers and village elders, had no knowledge of international law.

The survey respondents were also asked if they knew about international law. The figure shows the cross-tab-

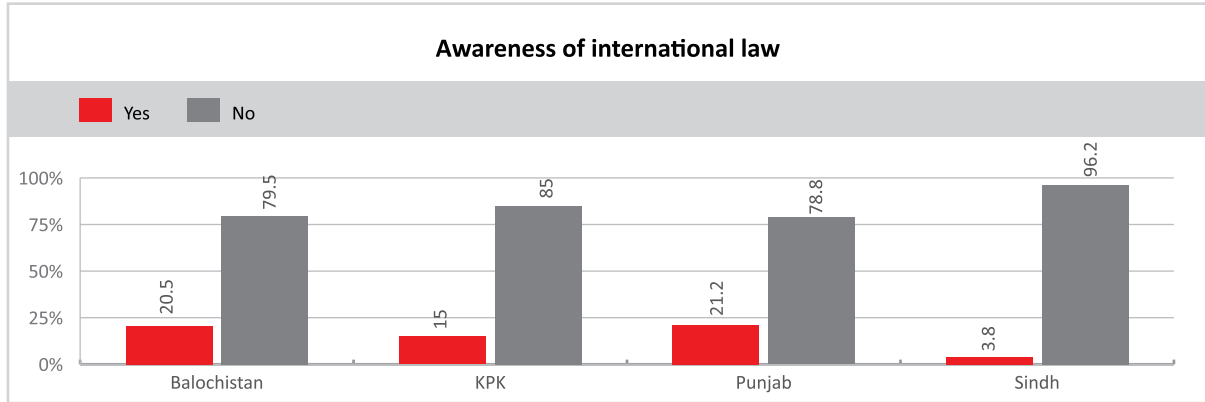
188 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

189 Ibid.

190 Ibid.



ulation of the data by province and demonstrates that less than a quarter of the respondents in Balochistan (20.5%), Punjab (21.2%) and KPK (15%) were aware of international law.



On the other hand, 79.5% in Balochistan, 78.8% in Punjab and 85% in Khyber Pakhtunkhwa answered “no” to the question. A mere 3.8% of the respondents knew of international law in Sindh while an overwhelming majority, 96.2%, answered that they had no knowledge. The figures show that despite the recent highlighting of international instruments by the media and state organs, in reality a very low percentage of the local population is aware of international law.

Awareness of international laws protecting human rights

In order to further understand the knowledge of the respondents who professed knowledge of international law, the question was posed: “Are you aware of the following international laws that protect human rights?” The percentages of the responses were almost identical in each case. 73.2% said that they knew of the convention that protects the rights of Pakistani children. Similarly, 73.9% were aware of the convention that protects the rights of minorities, women and children in Pakistan, and 73.4% had knowledge of the convention that protects the rights and dignity of persons. Again, the results demonstrate the need to increase awareness regarding vital international legislation that has been ratified by Pakistan.

This section examines the awareness of respondents regarding fundamental rights protected by the domestic legislation of Pakistan. As a developing country battling injustice, Pakistan is struggling to counter human rights violations in all provinces.¹⁹¹ In recent years, the state has taken measures and enacted legislation at federal and provincial levels to safeguard the human rights of marginalised segments of the society, which includes women, minorities and children. However, it is questionable whether those laws have been implemented in their true spirit.¹⁹²

The key informants interviewed by CAMP for this survey claimed to have an understanding of domestic laws of Pakistan. According to a majority of key informants, Pakistani legislation secures the rights of women and children similarly to international instruments.¹⁹³ Several respondents believed that under domestic law, all citi-

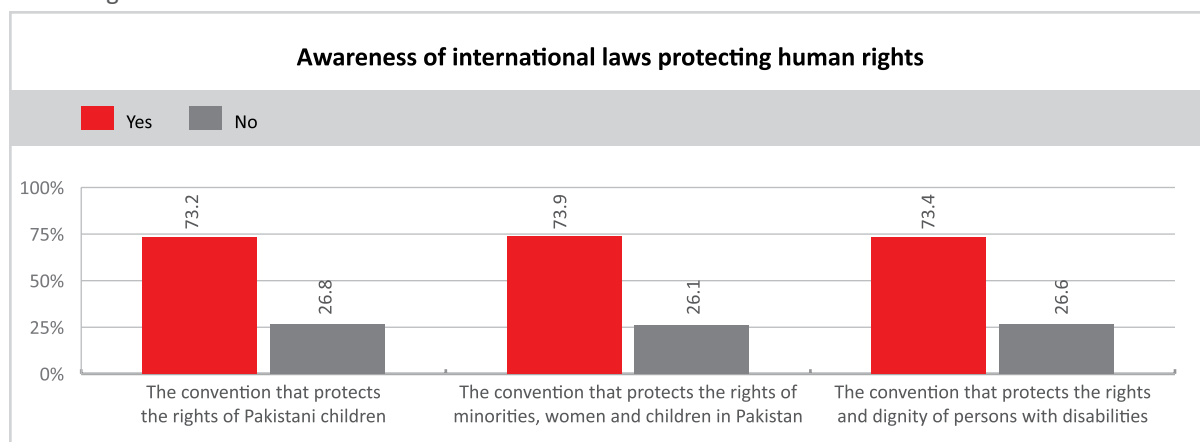
191 In-depth interview with I.A. Rehman, director, HRCP, Lahore, 20 August 2013.

192 In-depth interview with Hina Jilani, human rights activist and director, HRCP, Lahore, 20 August 2013.

193 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

zens of Pakistan including men and women, children, elders and minorities have an unfringeable right to life.¹⁹⁴ Furthermore, some key informants stated that there is awareness in their areas regarding domestic legislation that prohibits underage marriage of girls and boys.¹⁹⁵ Criticising the national legal order of Pakistan, some of the key informants were of the opinion that there is a dire need to reform criminal legislation for the welfare of the society, and that parliament should enact legislation promoting education in Pakistan.¹⁹⁶

The survey results show that over half of the respondents in Balochistan (55.5%), Khyber Pakhtunkhwa (64.3%) and Punjab (68.5%) indicated that they knew about domestic law. In contrast, approximately the same proportion of respondents in Sindh, 52.9%, indicated that they had no knowledge of Pakistan’s domestic legislation on human rights.



The results show that a higher percentage of respondents were aware of domestic law in comparison to international law. However, significant steps need to be taken to educate the population about the laws they are governed by. Women in particular need to be aware of legislation that safeguards their rights.

Are you aware of the following domestic laws that protect human rights?

This question intends to document the extent of respondents’ knowledge of various domestic laws protecting human rights in Pakistan. 64.6% of the respondents who answered “yes” to the previous question were asked if they knew about specific domestic laws that protect human rights. Under the Child Marriage Restraint Act (1929), marriage of a child is a criminal offence punishable by law. The act defines “child” as a male below the age of 18 years and female under 16 years.¹⁹⁷ Surprisingly, 92% of the respondents said that they were aware of the law and only 8% had no knowledge of the law.

Furthermore, laws have been enacted by the government to protect and provide justice to minorities, including Section 153(A) of the Pakistan Penal Code (PPC) which prohibits promotion of enmity between different groups, on the basis of race, religion, language, caste or community or any other grounds. The New Police Order 2002

194 Ibid.

195 Ibid.

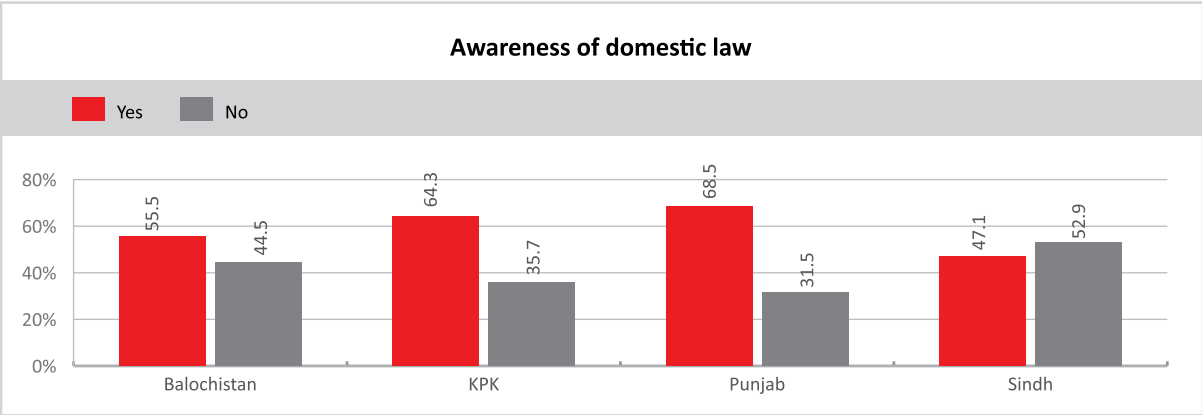
196 Ibid.

197 “Laws Relating To Children with Juvenile Justice System Ordinance, 2000 and Juvenile Justice Rules, 2001”, M. Ilyas Khan, Advocate, Pakistan Law House 2004.

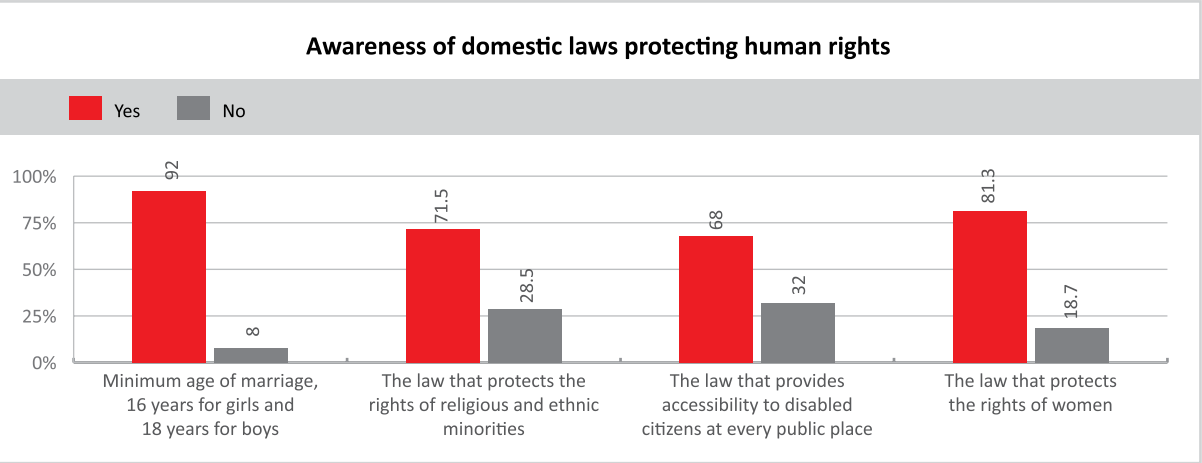


also contains special provisions to ensure protection of the rights of vulnerable sections of society, which includes religious and ethnic minorities.¹⁹⁸ The figure above illustrates that 71.5% of the respondents knew of the laws that protect the rights of religious and ethnic minorities, whereas 28.5% were not aware.

Various domestic laws safeguard the rights of persons with disabilities in Pakistan. The Disabled Persons (Employment and Rehabilitation) Ordinance (1981) was the first constitutional effort on the part of the state to provide institutional care for people with special needs in Pakistan. Under this ordinance, the National Council for the



Rehabilitation of Disabled Persons was established to formulate policy for the employment, rehabilitation and welfare of disabled persons.¹⁹⁹ The Mental Health Ordinance (Pakistan 2001) provides for assessment and treatment of persons with mental disorders, and makes provision for protection of human rights of persons with mental disorders.²⁰⁰ The Special Citizens Act (2008) (Bill) seeks to provide accessibility to disabled citizens at every public



198 Police Order (2002), with amendment Ordinance (2006), http://www.nrb.gov.pk/publications/Police_order_2002_with_amendment_ordinance_2006.pdf.

199 "Mental Health Ordinance (2001) – Is it really being used?", Dr Yasir Abbasi, Wathwood Medium Secure NHS Hospital, <http://www.jpma.org.pk/PdfDownload/1520.pdf>.

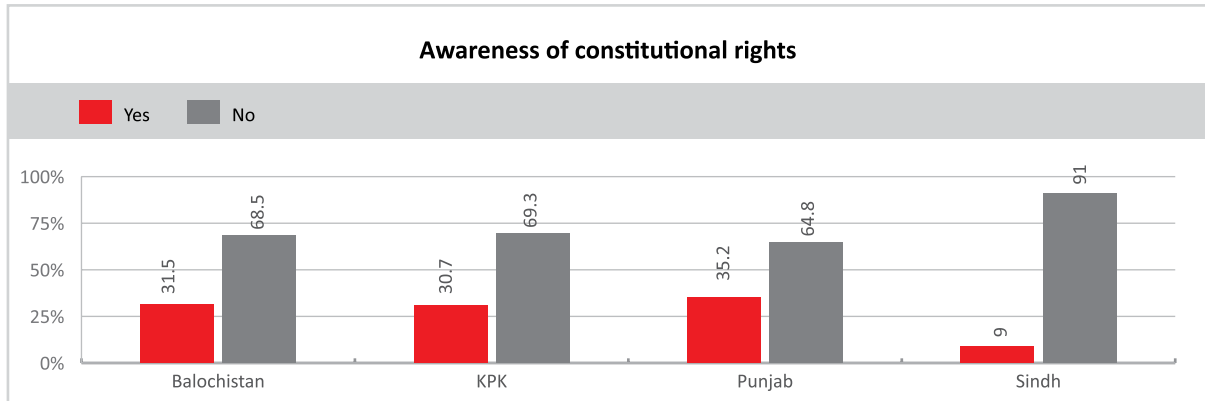
200 Ibid.

place with regard to allocation of seats in public transport and, provision of facilities on footpaths for wheelchairs and blind persons.²⁰¹

68% of the respondents stated that they were aware of the laws that provide accessibility for disabled citizens at every public place, while 32% were not aware. When asked about their awareness of legislation that protected rights of women, 81.3% of the respondents answered “yes” and 18.7% answered “no”. (Laws that safeguard women’s rights are addressed in the next chapter.)

Awareness of constitutional rights

Fundamental rights preserve certain indispensable basic human rights against state interference. The inclusion of fundamental rights in Pakistan’s constitution entails the obligation to protect these inalienable entitlements or rights, which are inviolable under all conditions.²⁰² Article 8(2) protects the sanctity of the constitution by prohibiting the legislature from enacting laws that curtail fundamental rights, and is immune from executive actions.²⁰³ Articles 8-28 of Pakistan’s constitution provide every citizen their inherent and fundamental rights and lay down standard regulatory norms to protect and promote these substantive rights.²⁰⁴



The knowledge of the sampled population was assessed on the fundamental rights enshrined in the constitution of Pakistan. Most of the key informants interviewed for this survey in Punjab were aware of the rights protected by the constitution, but this was not the case in other areas of the country, especially Sindh. According to several key informants, the constitution is the manifestation of egalitarianism, as the same laws are applicable to all citizens uniformly.²⁰⁵ Others believed that the constitution provides special protection for the rights of women, children and the disabled.²⁰⁶ The rights identified by most respondents as protected by the constitution included the right of all sects and religions to live peacefully in Pakistan, the right of equality, the right to education, the right to vote, women’s rights, the right to purchase property and transparent judicial proceedings.²⁰⁷

201 Special Citizens Act (Bill), <http://www.nasirlawsite.com/laws/scitizen.htm>.

202 Constitution of the Islamic Republic of Pakistan, <http://www.pakistani.org/pakistan/constitution/>.

203 Ibid.

204 Ibid.

205 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

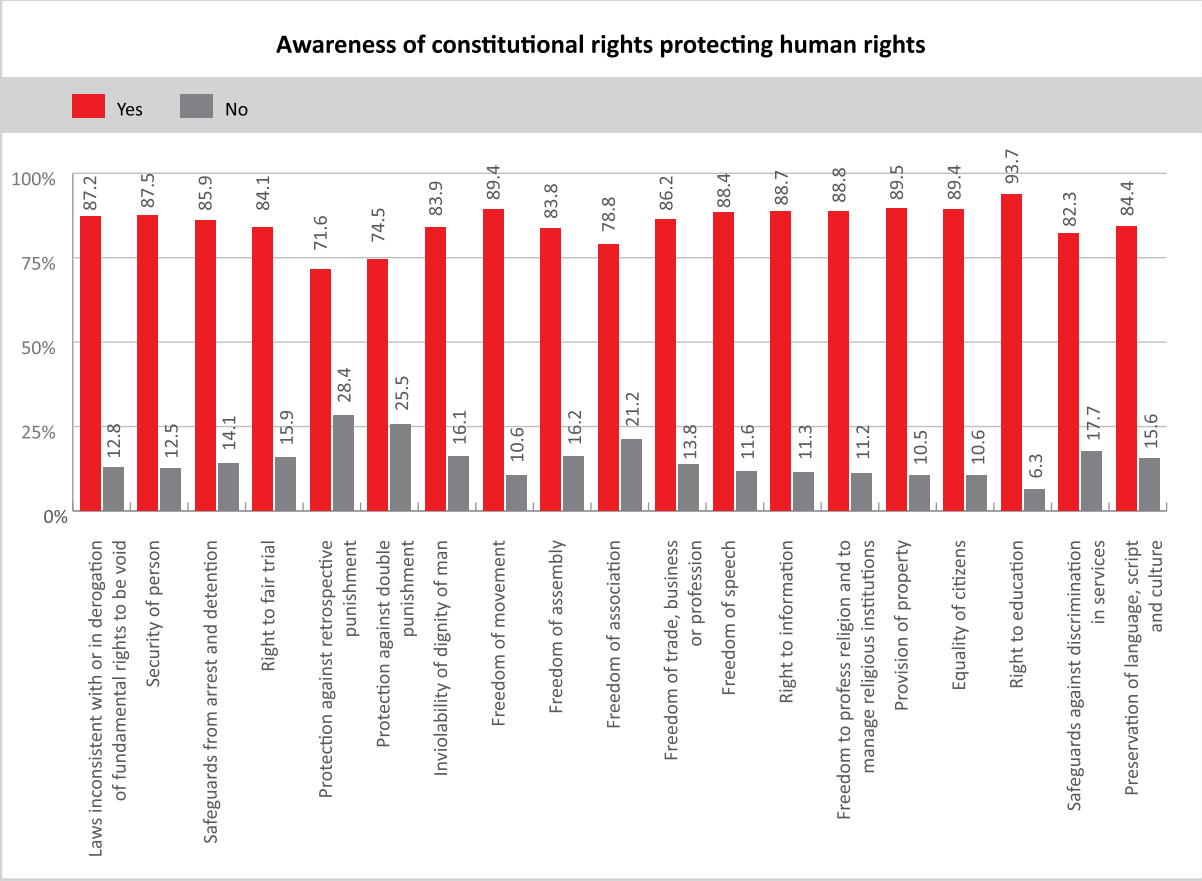
206 Ibid.

207 Ibid.



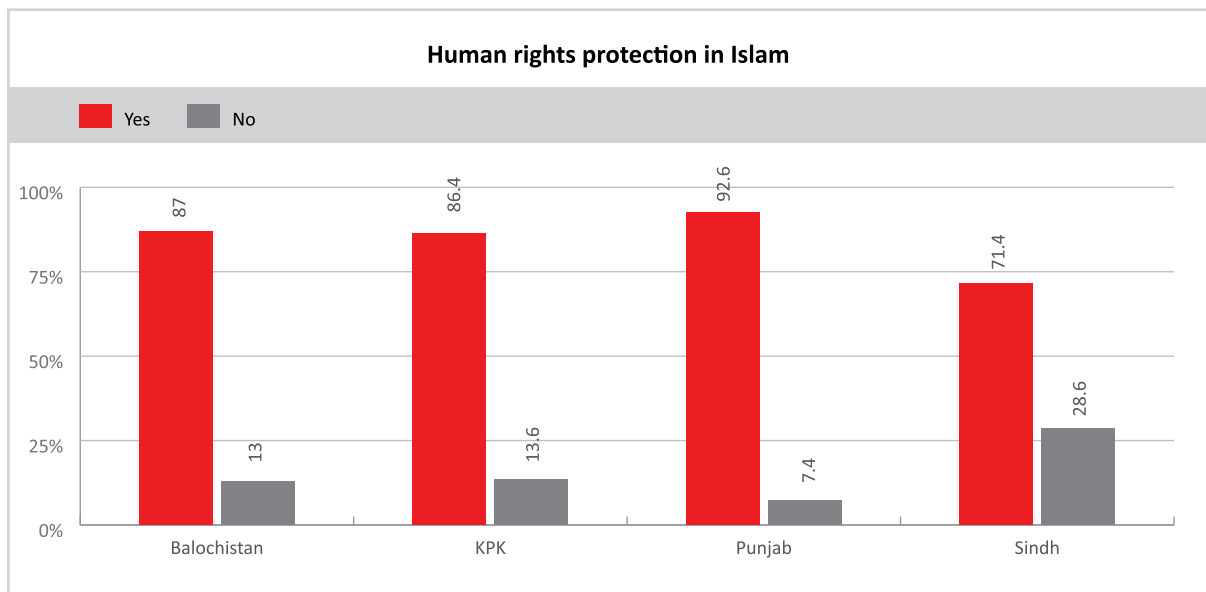
In order to assess the knowledge of the 2,140 survey respondents regarding fundamental rights protected by the 1973 constitution of Pakistan, the question was asked, “Do you know about constitutional rights?” The cross-tabulation of the data by province shows that similar proportions of respondents in Balochistan (31.5%), Khyber Pakhtunkhwa (30.7%) and Punjab (35.2%) were aware of constitutional rights. In contrast, in Sindh less than one-tenth of the respondents (9%) had knowledge of the rights enshrined in the constitution. The low percentage of awareness is a cause for grave concern regarding access to information and justice.

31.7% of the respondents who answered that they were aware of constitutional rights, were further asked if they knew about various fundamental rights safeguarded by the constitution, listed in the table. The percentages of respondents who answered “yes” were as follows: right to education (93.7%), provision of property (89.5%), freedom of movement (89.4%), equality of citizens (89.4%), freedom to profess religion and to manage religious institutions (88.8%), right to information (88.7%), freedom of speech (88.4%), security of person (87.5%), laws inconsistent with or in derogation of fundamental rights to be void (87.2%), freedom of trade, business or profession (86.2%), safeguards from arrest and detention (85.9%), right to fair trial (85.1%), preservation of language, script and culture (84.4%), inviolability of dignity of man (83.9%), freedom of assembly (83.8%), safeguards against discrimination in services (82.3%), freedom of association (78.8%), protection against double punishment (74.5%) and protection against retrospective punishment (71.6%).



Human rights protection in Islam

Human rights in Islam are a combination of ethical and legal measures joined together in an inseparable manner. The terminology used by Islam itself shows the seriousness of the Law-Giver toward these issues. The whole issue of human rights is summed up in two terms; *huquq Allah* and *huquq al-'ibad*, the rights of Allah and the rights of His servants, or mankind. One must understand that these are *rights*, not “conventions” or “resolutions”. Rights carry a strict legal and moral force and must not be violated. At the top in the Islamic view of society and state is the right of Allah, the Creator, Sustainer and the Ultimate Authority to be given final authority in all human ethical judgments.²⁰⁸ This simply means acting in accordance with Allah’s revealed guidance in all personal, social, economic, political and cultural matters.²⁰⁹ The key informant interviews illustrate that almost all respondents were aware of the rights protected by *sharia*. Some key informants pointed out that Islamic law has the power to mobilize the community and create awareness regarding pertinent human rights issues.²¹⁰ Key informants also gave various examples of the extensive rights that were guaranteed under Islam, namely, the right of equality, rights of non-Muslims,²¹¹ right to education, rights of persons with disabilities²¹² and right to inheritance for women. Another major group of key informants stated that Islam provides guidance to treat elders, children and persons with disabilities, with kindness. In addition they added that Islam stresses the right to education for both men and women.



To assess the perceived knowledge of the survey respondents regarding human rights protected by Islam, the question “Do you know about human rights protected by Islam?” was asked. The cross-tabulation by area

208 Professor Anis Ahmed, “Islam and Women’s Rights”, module in training manual on “Reforming the Tribal Jirga System in FATA” published by CAMP, 2012, http://www.camp.org.pk/files/Jirga_manual-compressed.pdf.

209 Ibid.

210 KII in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

211 Ibid.

212 Ibid.



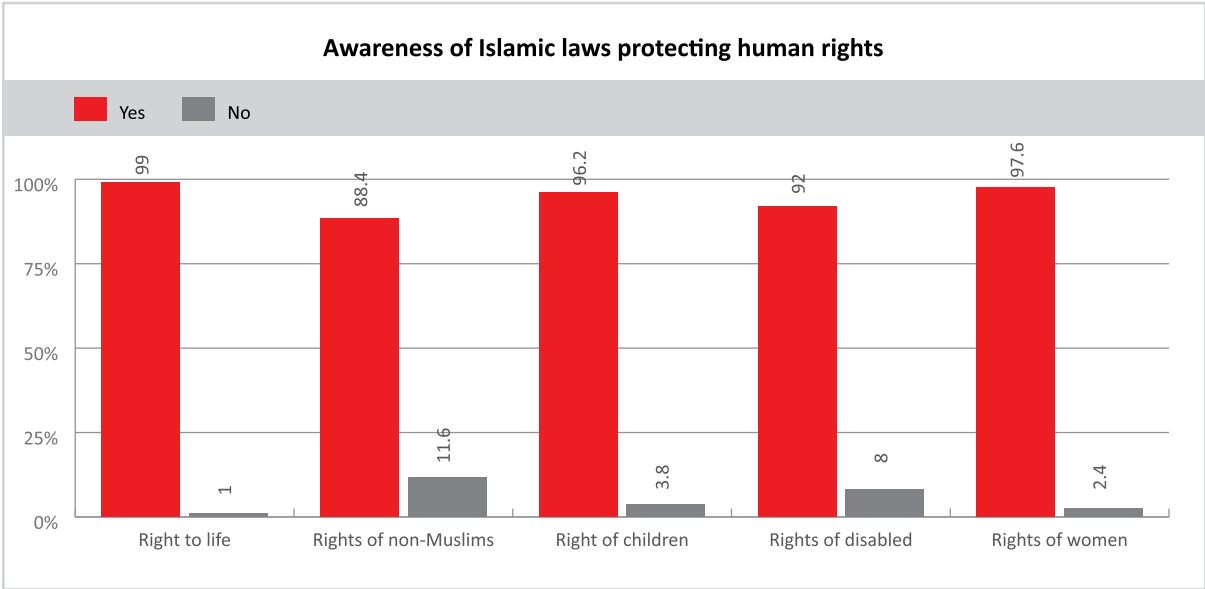
illustrates that a majority of the respondents in all four provinces stated that they knew about human rights protected by Islam: Balochistan (87%), Khyber Pakhtunkhwa (86.4%), Punjab (92.6%) and Sindh (71.4%). A negligible number of respondents (10.8%) had no knowledge of human rights protected by Islam.

It is important to mention here that the result does not necessarily reflect respondents’ true knowledge of Islam, but rather their perceptions as recorded through a structured questionnaire.

Awareness of Islamic laws protecting human rights

89.2% of the respondents who answered “yes” were further asked if they were aware of the following fundamental rights guaranteed by Islamic law. An overwhelming majority of the respondents identified that they were aware of the right to life (99%), rights of non-Muslims (88.4%), rights of children (96.2%), rights of the disabled (92%) and rights of women (97.6%).

The results signify that in comparison to fundamental rights protected by international instruments and national legislation, respondents across the provinces claimed to have more knowledge of the rights protected by Islam. This could be a result of distrust of foreign law due to prejudice towards the West in recent times, or the failure of the state to create awareness about the protection of indispensable rights.



The background features a central illustration of a woman wearing a dark headscarf, looking upwards with a distressed expression. Her hands are pressed against her face. Surrounding her are several other hands, some reaching out from the background, set against a backdrop of grey, textured brushstrokes. A solid red horizontal band is positioned at the top of the image.

PERCEPTIONS OF WOMEN'S RIGHTS

CHAPTER **4**

PERCEPTIONS OF WOMEN'S RIGHTS

This chapter analyses the state of fundamental rights of women in Pakistan and its interrelation with various international and national protection mechanisms. It also documents the perception of the 2,140 survey respondents and 50 key informants regarding rights safeguarded by international conventions, the 1973 constitution of Pakistan, domestic legislation and Islamic principles, specifically in cases of honour crimes.

The concept of gender equality in Pakistan

Gender equality is a globally widespread notion meaning that the different behaviour, aspirations and needs of women and men are considered and valued equally. It does not mean that women and men have to be the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female.²¹³ It is internationally accepted that for any country or society to prosper and develop, it is essential for the women of that society to be empowered, and to be given equal opportunities.

Globally, women have always had their legal and fundamental rights curtailed in favour of men. Even though women are half of the world's population, they still suffer from discrimination and unequal treatment. Today, women comprise 66% of the world's illiterate population and 70% of the world's poor.²¹⁴

Women are subject to numerous injustices in a patriarchal, patrilineal, and patrilocal society, which subordinates women to their fathers and brothers first, then to their husbands and sons. Women in Pakistan are victims of crimes of honour, which includes domestic and sexual violence, honour killing, acid burning, forced marriages and being given away to rival families in order to settle disputes (*swara/vanni*). Honour-related violence has shown the horrifying side of both rural and urban Pakistan.²¹⁵

Traditionally, Pakistani women have always been dependent on male members of the family. They adopted the class, creed, caste and language of their men. Even their socio-economic status was determined based on the socio-economic status of their fathers, husbands or sons. This and other inequitable customs force women to remain behind veils in the sanctity of their homes.²¹⁶

The next section examines the perception of the population in relation to the status of women in Pakistan. The key informants interviewed for this study were notable individuals from the sampled districts. However, their opinion about the protected rights of women in Pakistan came across as narrow and oppressive. Even though respondents accepted that women and men have equal rights, they believed that the role they play in society is limited. Key informants were of the view that a woman has various rights. As a mother she is given the key of heaven, as sister she protects our honour and as a daughter she is worthy of respect, according to the key informants.²¹⁷ Other key informants believed that the concept of women's rights is 'rubbish', as Islam provides an explicit and enlightened view of the rights bestowed upon women, and there is no space

213 "ABC of Women Workers' Rights and Gender Equality", International Labour Organisation, 2000.

214 P. K. Das, *Universal Handbook on Protection of Women from Domestic Violence, Act and Rules* (Universal Law Publishing Co., 2006).

215 In-depth interview with Zubaid Noor, chairperson, Noor Education Trust, Peshawar, 17 April 2013.

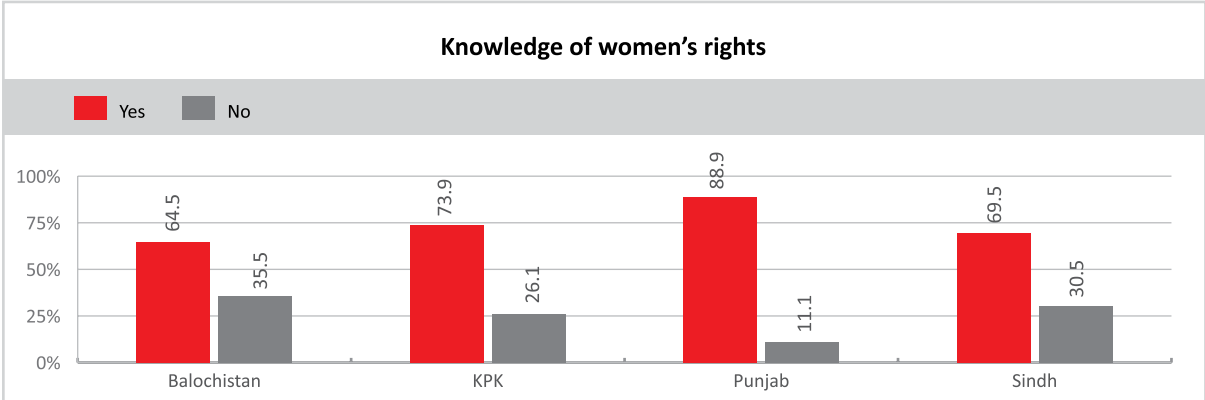
216 Sarfraz and Samina Khan, "Patriarchal Social and Administrative Practices in the Federally Administered Tribal Areas (FATA), Pakistan: A Case for Gender-Inclusive Reforms", *Central Asia Journal*, Area Study Centre (Central Asia), University of Peshawar.

217 Kils in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

for the intervention of international and domestic bodies to deny this.²¹⁸ Several respondents concluded by saying that women should be kept within the boundaries of the home with respect.²¹⁹

Knowledge of women’s rights

The survey respondents were asked whether they were aware of women’s rights. 82.8% of the respondents answered that they knew about the rights of women. This included 64.5% in Balochistan, 73.9% in Khyber Pakhtunkhwa, 88.9% in Punjab and 69.5% in Sindh.



The percentages of respondents across the country who lacked awareness are a cause for concern. 35.5% in Balochistan, 30.5% in Sindh and 26.1% in Khyber Pakhtunkhwa answered that they had no knowledge of the basic human rights of women. These figures may point to one of the significant factors behind the increase in honour crimes committed against women in Pakistan. Variation between provinces can also help identify areas for interventions.

Perception of women’s rights

Respondents who had knowledge of women’s rights, were further asked about their perception of these rights. Half of the respondents (50.7%) confirmed that women’s rights are human rights, followed by



218 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, July-August 2013.

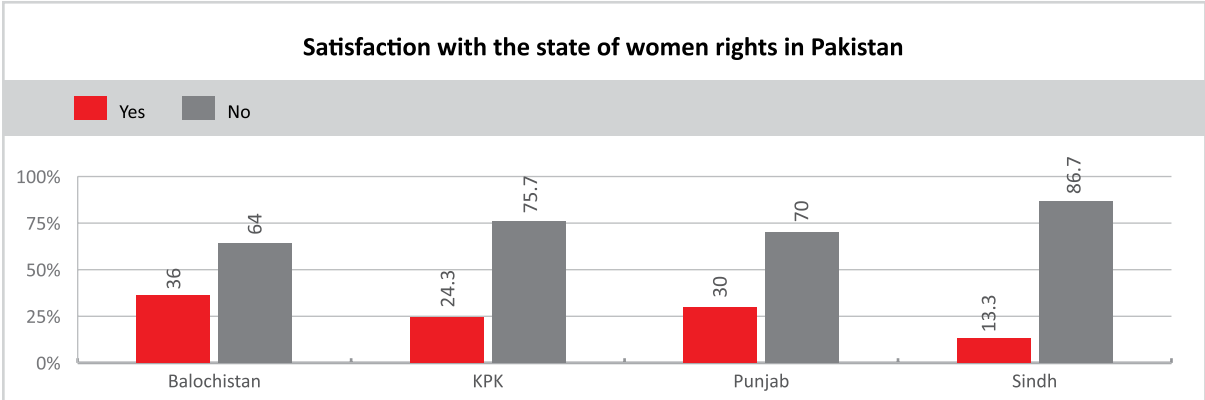
219 Ibid.



44.4% who believed that women rights consist of the equality of women. Only 4.5% answered that they did not know.

Satisfaction with the state of women rights in Pakistan

The survey sought the opinion of both genders regarding the status of women. 36% in Balochistan, 24.3% in Khyber Pakhtunkhwa, 30% in Punjab and only 13.3% in Sindh were satisfied with the state of women’s rights in the country, whereas 64% in Balochistan, 75.7% in Khyber Pakhtunkhwa, 70% in Punjab and 86.7% in Sindh expressed dissatisfaction with the current situation of women rights.



Cross-tabulation of the results shows that a higher percentage of women (79.6%) than men (64%) were unhappy with the status of women.

Women’s rights and International laws

Honour crimes committed against women are an endemic social problem in Pakistan. A significant step in eliminating this familial violence would be to enforce and implement international laws that Pakistan has ratified. These include the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). In this section, these two international instruments and their application in the national legal system will be briefly examined. The perceptions and knowledge of the population surveyed concerning the conventions that safeguard rights of women against crimes of honour will then be presented.

The Convention for the Elimination of All Forms of Discrimination against Women (CEDAW)

The CEDAW came into force in 1981 and Pakistan has been a party to it since 1996. The CEDAW imposes binding obligations on state parties with respect to eliminating discrimination against women.²²⁰

Substantive provisions

Article 1 of the CEDAW defines discrimination against women as “any distinction, exclusion or

²²⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), <http://www.un.org/womenwatch/daw/cedaw/>.

restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”²²¹

Article 2 of the CEDAW requires states parties to condemn discrimination against women and pursue by all appropriate means, including law reform, a policy of eliminating gender discrimination.

Article 3 of CEDAW obligates states parties to take appropriate measures in the political, social, economic, and cultural fields to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and freedoms on a basis of equality with men.

Article 5 of the covenant requires the state to take significant steps to modify the social and cultural patterns of conduct of men and women in order to eliminate customary practices, which are based on the idea of the inferiority and superiority of either of the sexes.²²²

Article 16 obliges the state to take measures to eliminate discrimination against women in matters relating to family relations and marriage.²²³

Through the provisions of the convention, the government of Pakistan is under the legal duty to give *de jure* equality to women and to effectively tackle the issue of honour crimes by making acts of discrimination punishable offences. Laws should be implemented and policies adopted to punish and eliminate crimes of honour committed against women. Furthermore, under Article 2 Islamic laws such as the Hudood Ordinance, Qisas and Diyat Ordinance and Qanoon-e-Shahadat discriminate against women. There is a considerable amount of pressure from the international community and civil society on the government of Pakistan to make these laws comply with international human rights standards as well as keeping the religious sanctity of law.²²⁴

The government is also under a binding obligation to reform customs that are discriminatory towards women; these include *swara/vani*, *karo kari* and *watta satta*. Lastly, Article 16 requires the state to work towards eliminating other social ills in Pakistani society relating to marriage, for example the customs of bride price, dowry and *khag*.²²⁵

The influence of Pakistan’s reservations

While Pakistan has ratified a number of international conventions, it has not properly implemented acts in its domestic legislation, therefore the provisions of these conventions are not legally binding on the citizens of Pakistan. However, the government of Pakistan’s report to the CEDAW Committee in May 2007 stated that there was no need to promulgate an implementing act for the CEDAW, as its principles already exist in the constitution. Nevertheless, the implementation of these international laws in our national legal system could support the creation of mechanisms granting fundamental rights to the women of Pakistan and also help to

221 Ibid.

222 Ibid.

223 Ibid.

224 In-depth interview with Tahir Ali, High Court advocate, Karachi, 26 August 2013.

225 *Khag* is a Pakhtun tradition where a man declares a claim over a woman.



build development policies and programmes that are just and inclusive of all.²²⁶

Article 28(2) of the CEDAW provides that reservations which are incompatible with the “object and purpose” of a treaty are impermissible. For its part Pakistan declared in 1996 that its accession to the CEDAW “is subject to the provisions of the Constitution of the Islamic Republic of Pakistan.” Therefore, in case of conflict, Pakistan’s constitution will prevail over international law. This declaration is too vague, as it does not mention which provisions of the Pakistani constitution or the convention it is referring to. Also, the Pakistani constitution itself is not easily understood by other state parties and has been subject to numerous amendments and varied interpretations by courts. Moreover, since no indication is given by way of this declaration as to which particular CEDAW provision Pakistan considers to be actually or potentially in conflict with the requirements of the constitution, the declaration provides Pakistan with a substantial degree of discretion in the implementation of its treaty obligations.²²⁷ Furthermore, Pakistan has declared a reservation against Article 29 of the CEDAW convention that relates to settlement of disputes about the interpretation or application of the convention.²²⁸ The Article suggests that in case the dispute is not settled by negotiation, one of the parties may go to the International Court of Justice.²²⁹ Indeed, Pakistan’s declaration regarding the CEDAW has attracted objections by other states parties, meaning that it is widely considered as impermissible.²³⁰

Monitoring

The CEDAW Committee is a body of 23 experts, out of which currently all but one are female. Aside from state reports, the CEDAW may also receive individual complaints according to the Optional Protocol to the CEDAW.²³¹ However, as Pakistan has not ratified the Protocol, this procedure does not apply to it and shall thus be disregarded.²³² Also, Pakistan has by means of a reservation that is explicitly allowed by Article 29(2) of the CEDAW excluded the possibility that a dispute between two states parties on the interpretation or application of the CEDAW may be submitted to arbitration in the manner that Article 29(1) generally foresees.²³³

Consequently, state reports are again the major mechanism of keeping implementation under surveillance. According to Article 18(1) of the CEDAW, states parties are obliged to submit reports on their implementation of the convention within one year after their accession to the treaty and thereafter every four years or if the CEDAW Committee requests otherwise. The CEDAW Committee has, of course, established specific reporting guidelines, which are in line with the general reporting guidelines.²³⁴ The Committee commonly meets three times a year in Geneva.

The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)

The prohibition of torture is fully articulated in the UNCAT, which came into operation in 1987. Pakistan has

226 Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* (Kluwer Law International, The Hague, 2000) p. 250 et seq.

227 Ibid.

228 Marsha Freeman, “Reservations to the CEDAW, An Analysis for Unicef”, http://www.unicef.org/gender/files/Reservations_to_CEDAW-an_Analysis_for_UNICEF.pdf.

229 Ibid.

230 Ibid.

231 “Reporting Guidelines of the Committee on the Elimination of Discrimination against Women”, <http://www2.ohchr.org/english/bodies/cedaw/docs/AnnexI.pdf>.

232 Ibid.

233 Ibid.

234 Ibid.

been a party to it since 2010 and still has three reservations to the UNCAT.²³⁵ Discussed below are the provisions of the Covenant that are relevant to the rights of women in Pakistan.

Substantive provisions

Article 1(1) of the UNCAT defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”²³⁶ The list of purposes for torture contained in Article 1(1) should be seen as merely illustrative and not exhaustive.²³⁷ Nonetheless, it is instructive that torture on the basis of social discrimination of any kind, including against women, children, minorities and persons with disabilities, is expressly prohibited.

Article 2(2) establishes that no derogation to the absolute prohibition on torture is permitted: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

Also, Article 2(3) specifies that “[an] order from a superior officer or a public authority may not be invoked as a justification of torture.” In other words, freedom from torture is an absolute, unqualified right. Article 2 also requires a state party to “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Article 4 requires the state to ensure that all acts of torture are offences under its criminal law. The state must also make these offences punishable by appropriate penalties taking into account their grave nature of the crime.

Article 10 legally obliges the state to educate and provide information regarding the prohibition against torture in training of law enforcement personnel, civil or military, medical or personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

Articles 13 and 16 require the state to ensure that any individual who alleges he has been subjected to torture or ill-treatment in its territory has the right to complain to, and to have his case promptly and impartially examined by, the state’s competent authorities, and that steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14 obliges the state to ensure that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation within the state’s legal system, including the means for as full rehabilitation as possible, and an obligation to ensure that in the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

235 Ahsan Yousaf Chaudhary, “Toward a Torture Free Pakistan: Implementing CAT– Challenges and Prospects”, 2011.

236 UNCAT, <http://www.hrweb.org/legal/cat.html>.

237 Lene Wendland, *A Handbook on State Obligations under the UN Convention Against Torture* (Association for the Prevention of Torture, Geneva, 2002) p. 28.



The application of UNCAT is highly relevant to cases of honour crimes. In the next chapter, which examines the types of honour crime, it will be seen that honour crimes include killings, domestic violence, sexual violence, acid burnings and discriminatory customs. These callous acts amount to torture and degrading treatment within the ambit of the convention. Therefore, it can be established that the state of Pakistan is not only legally bound to provide redress and justice to the aggrieved, but also obliged to take significant steps to eliminate and prohibit these crimes in our society. These steps may include legislating further legal instruments that protect women against torture, cruel and inhumane treatment; enactment of the laws and formulating policies at state level to prohibit, scrutinise and punish perpetrators of violence against women.

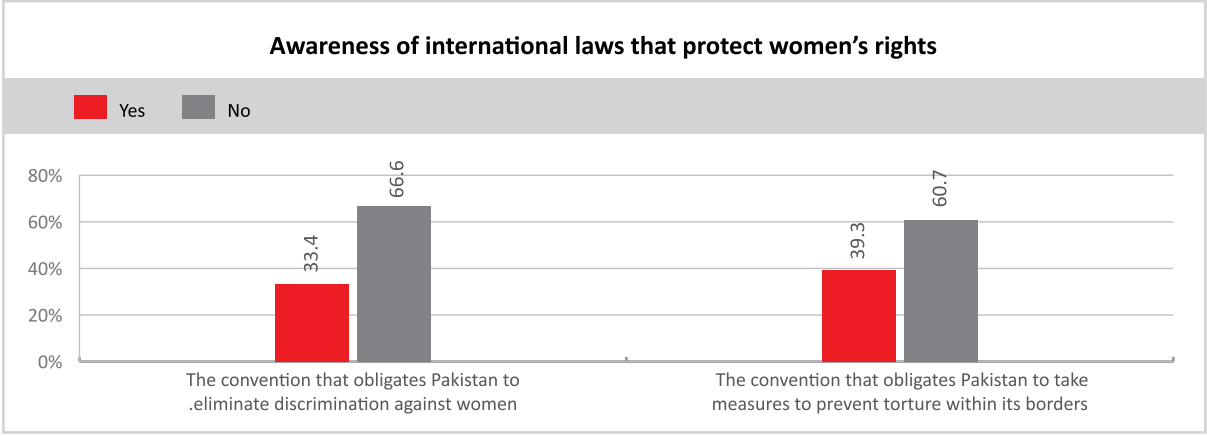
Monitoring

According to Article 17 of the UNCAT, the CAT – the treaty body – consists of only ten independent experts, who meet twice a year for four-week sessions in Geneva. The CAT’s functions are provided for in part two of the UNCAT. Regarding the monitoring of implementation, the convention allows for: state reporting (Article 19), the initiation of an inquiry (Article 20), an inter-state complaints procedure (Article 21), an individual complaints procedure (Article 22) and submission to arbitration (Article 30). With the exception of state reporting, all other mechanisms are optional, meaning that states have to either opt in or out of them. Pakistan has chosen to let none of these optional mechanisms apply to it. The state reporting procedure follows the basic pattern elaborated above. Also, the CAT has a long history of inviting NGOs to participate in the analysis of state reports; it especially encourages the participation of local and national NGOs to provide country-specific information.²³⁸ The state reports are initially due within the first year after the state’s accession to the treaty, and the periodic reports thereafter every four years or if the Committee so requests otherwise. Pakistan’s initial state report under the UNCAT has not been submitted though it was due in mid-2011.

Awareness of international laws that protect women’s rights

In order to evaluate the knowledge of the population regarding international laws that protect women’s rights, respondents were asked whether they were aware of the following international laws:

The results show that more than one-third of the respondents (39.3%) were aware of the convention that obligates



238 For a detailed description see http://www2.ohchr.org/english/bodies/cat/follow_up_ngo.htm.

Pakistan to take measures to prevent torture within its borders, while 33.4% of respondents said that they were aware of the convention that obligates Pakistan to eliminate discrimination against women.

Cross-tabulation by gender further shows that a similar number of males and females were aware of these international mechanisms.

It was noted in the key informant interviews that, similar to the survey results, respondents had little awareness of international laws. However, many outrightly dismissed the role of international mechanisms protecting rights of women in Pakistan. They opined that women in Pakistan should be provided with rights and freedoms in line with Islamic jurisprudence instead of adhering to ‘western propaganda’.²³⁹ Key informants further stressed that women in Pakistan lead a happy life, which indicates that their rights are protected in accordance with international laws.²⁴⁰

Women’s rights and domestic legislation

This section will examine the legislation that safeguards the rights of women and the level of awareness of the population regarding these laws. Numerous domestic laws enacted by parliament are compatible with the international conventions ratified by Pakistan protecting the rights of women in Pakistan. Furthermore, many laws have been passed by the legislature to give effect to various provisions of the 1973 constitution of Pakistan.

The Pakistan Penal Code (1860) lays down severe penalties for crimes committed against women, which includes the offences of kidnapping, abduction of girls and women, buying women for prostitution, enticing, taking away or detaining a woman with criminal intent or procurement of a girl under Section 361, 363, 364, 369, 366B, 371 and 469A.²⁴¹

The Muslim Family Law Ordinance (1961) protects the rights of women in marriage and divorce.²⁴²

The Family Court Act (1964) established special family courts to adjudicate family cases.²⁴³

According to the Child Marriage Restraint Act (1929) a male above eighteen years of age who contracts marriage with a female below sixteen years of age shall be punishable with imprisonment and/or fine. The law also pronounces a punishment and/or fine for the person who performs, conducts or directs a child marriage. Furthermore, the law holds responsible the person who is the guardian or parent of the minor contracted in a child marriage; if he does any act to promote/permit the marriage or fails to prevent it from being solemnised.²⁴⁴

The Anti-Terrorism Act (1997) incorporates in the definition of a “terrorist act” the act of gang rape, child molestation, or robbery coupled with rape (Section 6). Including these crimes in the ambit of terrorism stresses their brutal and heinous nature.²⁴⁵

239 Kills in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

240 Ibid.

241 Pakistan Penal Code (Act XLV of 1860), <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>.

242 Muslim Family Laws Ordinance (1961), http://www.vakilno1.com/saarclaw/pakistan/muslim_family_laws_ordinance.htm.

243 West Pakistan Family Courts Act (1964). http://www.khyberpakhtunkhwa.gov.pk/Gov/files/v5_0027.htm.

244 Child Marriage Restraint Act (1929), <http://wcd.nic.in/cm1929.htm>.

245 Anti-Terrorism Act (1997), <http://www.fia.gov.pk/ata.htm>.



The Criminal Law (Amendment) Act (2004) legally recognised honour killing as murder for the first time and enhanced punishment for the offence of murders carried out in the name of honour (section 302). A significant feature of this law is that in family cases where the heirs of the victim forgive the murderer, the police is allowed to take the case forward and demand the family to compromise before the court. However the heirs of the victim can forgive the murders in the name of God receiving *diyat* (Section 310) or without any compensation or *diyat* (Section 309). Amended sections 310 and 331 prohibit giving a girl in marriage as *badla-e-sulh* and any such offence carries punishment of imprisonment for those involved, including the parents, tribal *jirgas/panchayats* and the *molvi* or marriage registrar. Lastly, the law lays down a minimum seniority level for police officers investigating blasphemy and adultery cases (section 56B).²⁴⁶

The Protection of Women (Criminal Law Amendment) Act (2007) removed a number of provisions from the Hudood Ordinance in matters relating to sexual crimes and placed them under the Pakistan Penal Code (PPC), which inevitably changes the complaint procedure. The act amends some of the provisions in the Hudood Ordinances, inserts and deletes some sections and transfers some offences to the PPC; for example, it removes the crime of rape from the Hudood Ordinances and inserts it into the penal code instead. Previously, according to the Hudood Ordinances women who accused men of rape required evidence from four men for a conviction, and failing that, faced the possibility of being punished for having sex outside of marriage. *Zina* offences continue to be criminalised; however, the act provides that a court will investigate such complaints. In addition, sentences of capital punishment and corporal punishment for consensual extra-marital sex have been abolished under the act.

The Protection Against Harassment at the Workplace Act (2010) prohibits harassment at a workplace. Under the act, harassment includes unwelcomed sexual advances, requests for sexual favours or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes. Workplace is defined as harassment that takes place at work premises. A complaint under this act can be initiated through the Inquiry Committee or the Federal or Provincial Ombudsman.

The Criminal Law (Amendment) Act (2010) includes a new definition of sexual harassment, which comprises both harassment at a workplace and harassment in general. In contrast to the Protection Against Harassment at the Workplace Act, this law allows for criminal prosecution for harassment.

The Criminal Law (Second Amendment) Act (2011) introduces amendments to the law to cover the crime of acid burnings. Section 332, was amended and words such as “disable”, “disfigure” and “defaces” were added as they are usual effects of acid crimes. Furthermore, Section 336A was added to include hurt caused by a “corrosive substance”, which is defined as a substance which is harmful when it is swallowed, inhaled, or comes in contact with the human body.

The Prevention of Anti-Women Practices (Criminal Law Amendment) Act (2011), contains the punishment for giving a female in marriage or otherwise in *badla-e-sulh*, *vani* or *swara*. Whoever gives a female in marriage or otherwise compels her to enter into marriage, such as *badla-e-sulh*, *vani*, or

246 Criminal Law (Amendment) Act (2004), <http://www.af.org.pk/Important%20Courts'%20judgement/Important%20legislation/CRIMINAL%20LAW%20ACT%20I%20OF%202005.pdf>.

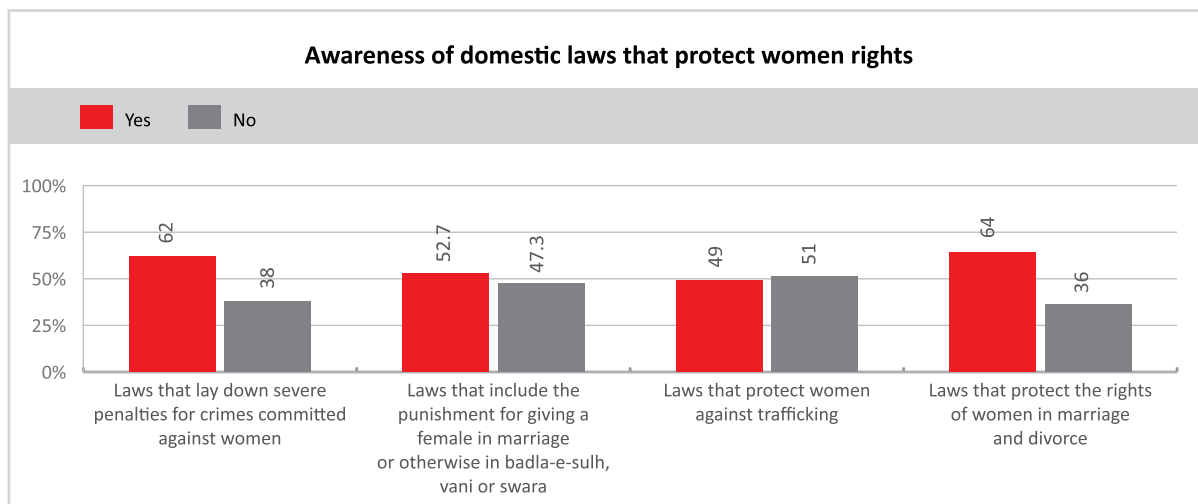
swara or any other custom to settle a dispute shall be punished with imprisonment and liable to fine of five hundred thousand rupees (Section 310). This act also prohibits further offences against women which include depriving a woman from inheriting property (Section 498A), prohibition of forced marriage (498B) and prohibition of marriage with the Holy Quran (498C).²⁴⁷

Awareness of domestic laws that protect women rights

The survey also intended to document the level of awareness of the respondents regarding domestic laws that protect women rights. The results illustrate the knowledge of the respondents regarding domestic laws that prohibit the violation of the fundamental rights of women in Pakistan. It can be noted that 6 out of 10 (62%) confirmed that they were aware of the laws that lay down severe penalties for crimes committed against women. After cross-tabulation we found that the figure includes 67.5% of male and 55.9% of female respondents.

Half of the respondents (52.7%) answered that they knew of the law that includes the punishment for giving a female in marriage or otherwise in *badla-e-sulh*, *vani* or *swara*. After cross-tabulation, we found that this comprised 56% of male and 49.1% of female respondents. Similarly, 49% had knowledge of laws that protect women against trafficking, including 53.3% of male and 44.1% of female respondents. Lastly, 64% answered that they were aware of the law that protects the rights of women in marriage and divorce; this includes 65% of male and 62.8% of female respondents. These percentages confirm that a higher percentage of male respondents are aware of laws that protect women’s rights in comparison to females. This difference can be attributed to the lower level of education and awareness of women, especially in rural regions.

Key informants added to this debate by acknowledging that domestic legislation protects the fundamental rights of women, however they added that the lack of implementation of these laws results in unequal treatment of women in Pakistani society.²⁴⁸ Some key informants also identified that domestic legislation has eliminated discriminatory practices such as *swara*, *vani* and marriages to the Quran.



247 The Prevention of Anti-Women Practices (Criminal Law Amendment) Act (2011), http://www.na.gov.pk/uploads/documents/1321415693_161.pdf.

248 Kills in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.



Women's rights and the constitution

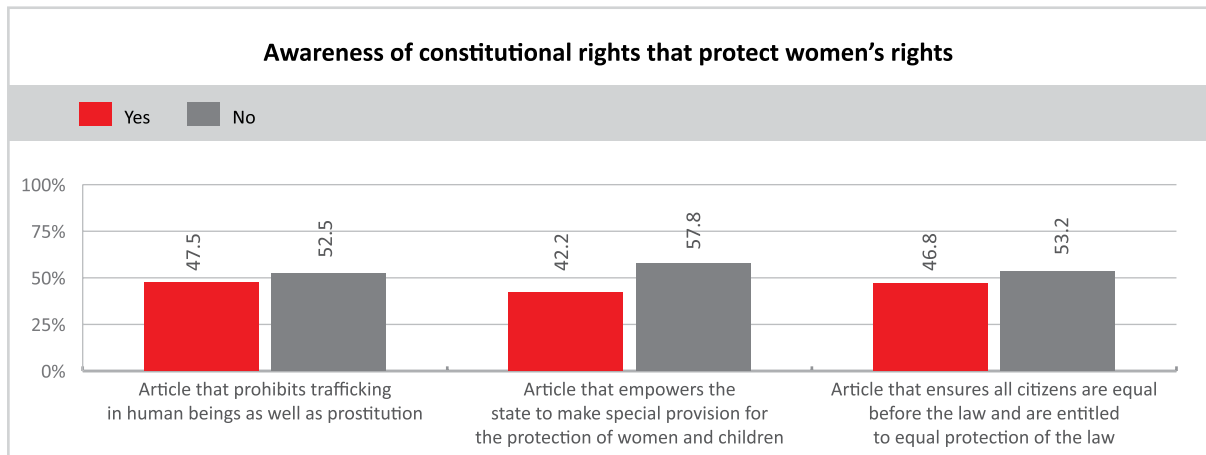
Gender equality and women's rights are specifically guaranteed by the constitution of Pakistan in several provisions in the preamble and the chapters on Fundamental Rights and Principles of Policy, which incorporate the principles of equal rights and equal treatment of all persons, without any distinction including on the basis of sex. The following articles of the constitution protect the fundamental rights of individuals, which includes men and women:²⁴⁹

- Article 3 requires the state to eliminate all forms of exploitation.
- Article 4 provides for the right of individuals to enjoy the protection of law and to be treated in accordance with the law.
- Article 9 guarantees security of life and liberty of every citizen.
- Article 10 A guarantees the right to fair trial.
- Article 11 prohibits slavery and forced labour.
- Article 14 guarantees the inviolability of dignity.
- Article 15 guarantees freedom of movement.
- Article 17 guarantees freedom of assembly and association.
- Article 18 guarantees freedom of trade, business or profession.
- Article 19 guarantees freedom of speech.
- Article 24 protects property rights.
- Article 25 ensures that all citizens are equal before the law and are entitled to equal protection by the law.
- Article 25 guarantees the right to education.
- Article 26 provides for equal access to public places and equality of employment in the public and private sectors.
- Article 27 safeguards against discrimination in services.
- Article 37 prohibits trafficking in human beings as well as prostitution.
- Article 34 requires the state to take appropriate measures to enable women to participate in all spheres of national life and community activities. Furthermore, articles 25(3) and 26(2) empower the state to make special provision for the protection of women and children.

249 Constitution of Islamic Republic of Pakistan (1973), <http://www.pakistani.org/pakistan/constitution/>.

Are you aware of the following constitutional rights that protect women's rights?

The survey question was intended to find out the level of awareness of the respondents on the rights of women enshrined in the constitution of Pakistan. Respondents were asked if they were aware of the listed provisions. 47.5% were aware of the article that prohibits trafficking in human beings as well as prostitution, including 58.4% of male and 35.5% of female respondents following cross-tabulation. 42.2% respondents were aware of the article that empowers the state to make special provision for the protection of women and children, including 50.2% of males and 33.3% of females.



Lastly, 46.8% were aware of the article that ensures that all citizens are equal before the law and are entitled to equal protection of the law, including 51.4% of male and 41.7% of female respondents. The disparity between the awareness of male and female respondents follows the same pattern as the previous question, which demonstrates the need to create awareness about the fundamental rights of women, especially among women in Pakistani society.

Women's rights and Islam

Pakistani society has been criticised for treating females like second-class citizens and depriving them of their fundamental rights and freedoms. This discriminatory treatment has been justified over time by referring to principles of *Shariah* that might conflict with human rights principles. However, eminent scholars have opposed this view and argued that justice is one of the primary values in the Quran and that it contains hundreds of teachings which apply equally to both men and women.²⁵⁰ The main obstacle identified as the source of conflict is the absence of adoption and implementation of human rights in Islamic countries.²⁵¹ Several women's rights are recognised under Islamic law:²⁵²

Women are spiritually equal to men, and both genders are obligated to uphold the Five Pillars, or acts of worship.²⁵³

250 Anis Ahmed, op. cit.

251 Heiner Beilefeldt, "Muslim Voices in the Human Rights Debate", *Human Rights Quarterly*, 2005.

252 See the Islam Project website, http://www.islamproject.org/education/D03_WomeninIslam_Marriage_topic2.htm.

253 Quran (2:228).



Women have the right to legal personhood, meaning that they can represent themselves in a court of law, in a contract or financial agreement, without a co-signer or legal guardian when they reach adulthood.

Women have the right to own property, and the right to buy, sell, loan or otherwise dispose of it as they wish.

Women have the right to speak and participate in public life, and to be equal partners in calling for social justice.²⁵⁴

Women have the right to an education within the means of their family and society. This may be seen as a personal obligation upon a girl's guardians, or upon her husband, or as a collective responsibility to provide for the education of girls on Muslim society as a whole.²⁵⁵

Women cannot be forced into marriage against their will.²⁵⁶

Husbands have no claims on their wife's property, and the dowry belongs to the woman to spend as she wishes.²⁵⁷

Women have the right to inherit from male and female relations; in some circumstances, the female's share of inheritance is half that of the male, because in contrast to men, women have no obligation to support male or female relatives under any conditions.²⁵⁸

Women have the right to initiate divorce, and have the right to protection and support from their husbands and male relatives in case of divorce.²⁵⁹

Are you aware of the following Islamic laws that protect women's rights?

Respondents may not have a deep knowledge of Quran and Hadith. However, practicing Islam in their daily lives and inheriting knowledge from their elders and Imams through Friday Sermons and other religious rituals is likely to have made them aware of the rights contained in these texts.

The survey asked respondents about their knowledge of Islamic laws that protect women's rights. The results show that an overwhelming majority of the local population were aware of the principles of *sharia*, including the right to equality (96.7%), the right to property (91%), the right to fair justice (87.1%) and the right to life (93.6%). Cross-tabulation of the data by gender shows that a greater percentage of female respondents than male respondents had knowledge of Islamic rights. This suggests that women in Pakistan have more opportunities to study religion and be exposed to religious principles, in contrast to their awareness of international and national legislation.

254 Quran (4:14).

255 According to Abdullah ibn Mas'ud, the Prophet is reported to have said: "If a daughter is born to a person and he brings her up, gives her a good education and trains her in the arts of life, I shall myself stand between him and hell-fire." (Hadith in *Kanz al-Ummal*).

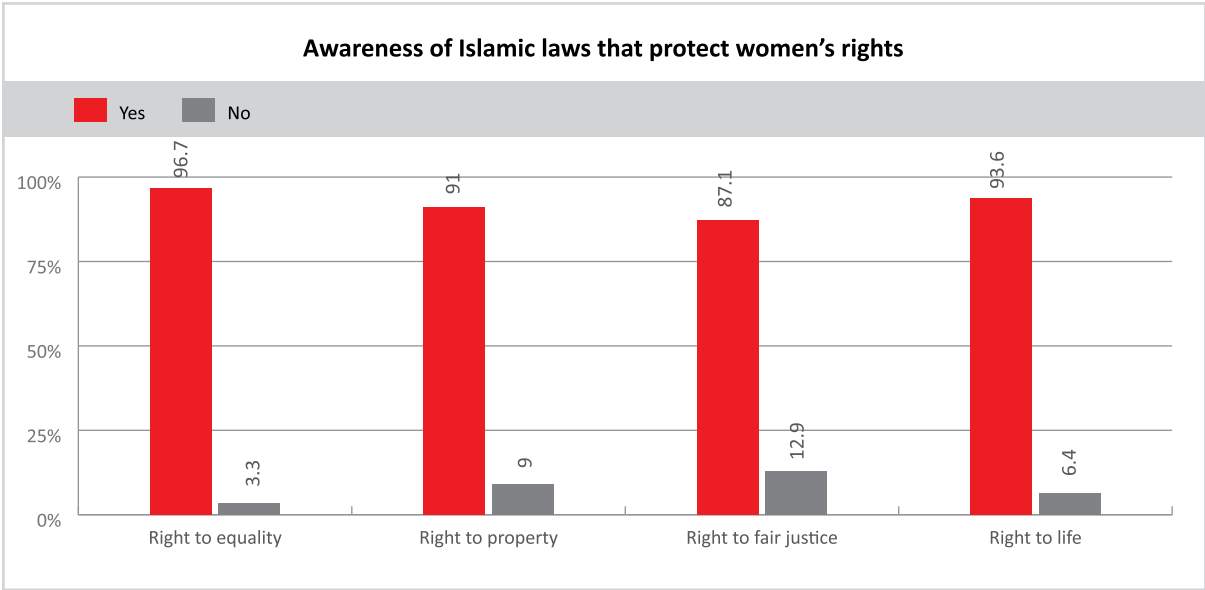
256 Quran (4:19).

257 Quran (4:20).

258 Quran (30: 21).

259 Quran (2:231).

The response of the key informants confirmed the survey results, as almost all respondents explicitly agreed that Islamic principles protect the rights of all human beings including women. They further identified that Islam safeguards women’s right to life, that it declares women equal to men in dignity, and that it provides them with the right to inheritance.²⁶⁰ They further added that Islam provides a woman with rights according to her role as a mother, sister and daughter.²⁶¹



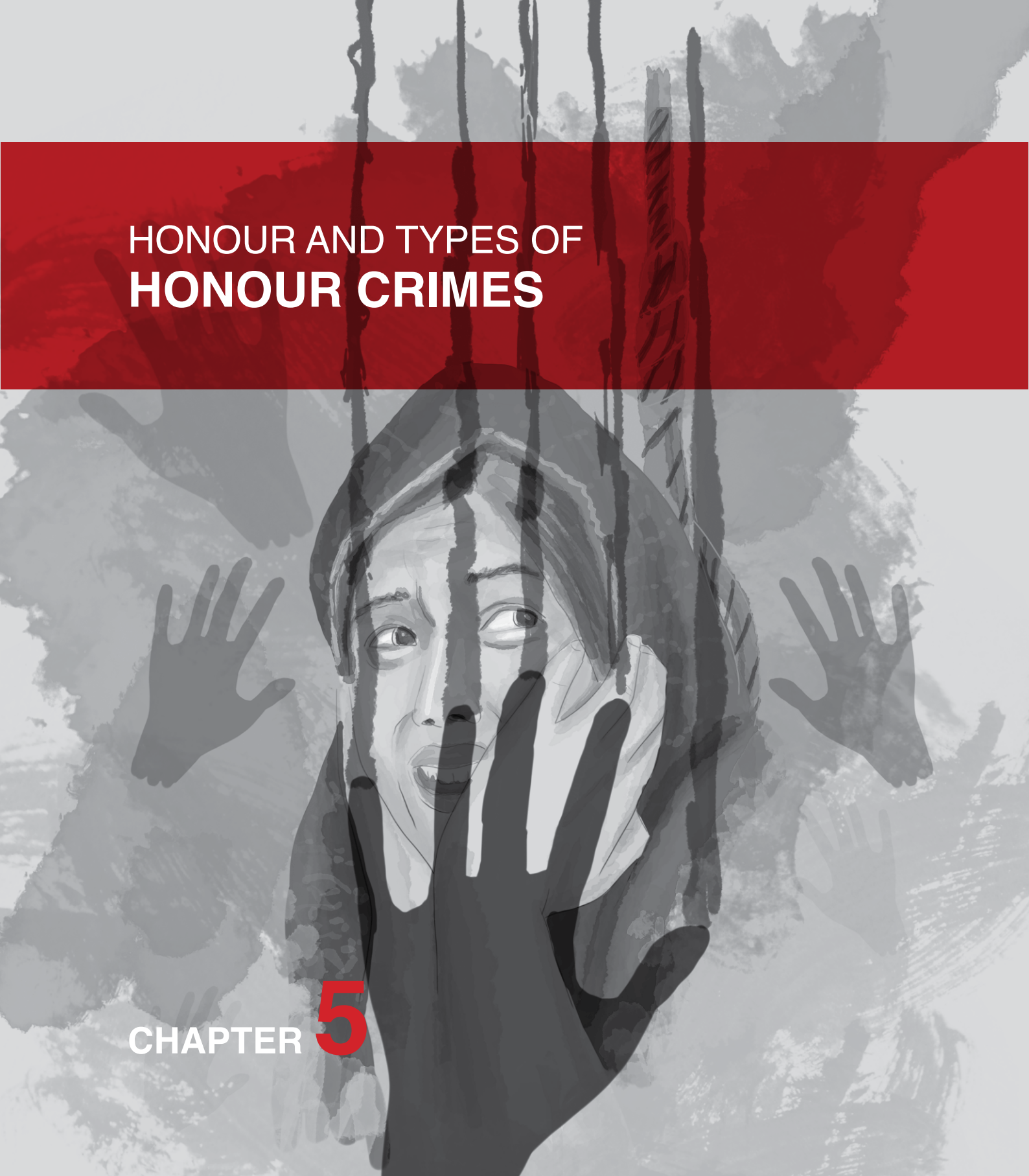
260 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

261 Ibid.



HONOUR AND TYPES OF HONOUR CRIMES

CHAPTER **5**



HONOUR AND TYPES OF HONOUR CRIMES

The concept of honour

The concept of honour in Pakistani society is generally attached to the bodies of women.²⁶² Frameworks of “Honour” and consequently “shame” function to control and regulate women’s fundamental rights by the male members of their family or the community.²⁶³ Familial and particularly male honour ultimately results in exclusion of women from the public sphere, education, the formal economy and political decision-making.²⁶⁴ Furthermore, in calamitous situations, these “dishonourable” acts provoke men to commit domestic violence against these apparently ignominious women.²⁶⁵ Acts or mere suspicion of premarital sexual relations, illicit relations, seeking divorce, exercising freedom of choice or being victims of sexual assaults, are usually the reasons behind honour crimes in Pakistan’s patriarchal society.²⁶⁶

The purpose of this chapter is to understand the perceptions of the survey respondents from all four provinces of Pakistan regarding the notion and dynamics of honour crimes. It is hoped that this data will aid government institutions and civil society to develop a comprehensive action plan for the elimination of this callous crime against women.

The key informant interviews conducted in the sampled districts aimed to make an in-depth analysis of notions of dishonour among informed sections of society. The responses revealed a consensus among those consulted that an adulterous wife brought shame not only to the family but the whole community. According to the key informants, women should live with their families in accordance with Islamic principles and *shariah*.²⁶⁷ Despite key informants having a certain level of education, many classified women marrying by choice, girls’ education, working women and “seductive dressing” as ignominy.²⁶⁸ However, some key informants also blamed conservative mindsets, tribal and customary culture and ignorance of the law. Encouragingly, a majority of the respondents believed that domestic violence and physical assault against women should also be considered as dishonourable.

The study tested this notion through a survey question asking the 2,140 respondents what they considered to be dishonourable.

The data in the figure by province illustrates that in Balochistan, 69.5% identified divorce, 55% a woman marrying of her own choice, 34% a man marrying of his choice, 6.5% women getting educated, 43% women working, 83% a husband physically assaulting his wife, 75% an unfaithful married man and 69.5% an unfaithful married woman as acts of dishonour bringing shame to the family.

In Khyber Pakhtunkhwa 60% identified divorce, 9.6% a woman marrying of her own choice, 5.4% a man marrying

262 In-depth interview with Hina Jilani, women’s rights activist and director of HRCF, Lahore, 20 August 2013.

263 Lynn Welchman and Sara Hossain, *“Honour”*: Crimes, Paradigms, and Violence Against Women (Zed Books, 2005).

264 In-depth interview with I.A. Rehman, director, HRCF, Lahore, 20 August 2013.

265 Ibid.

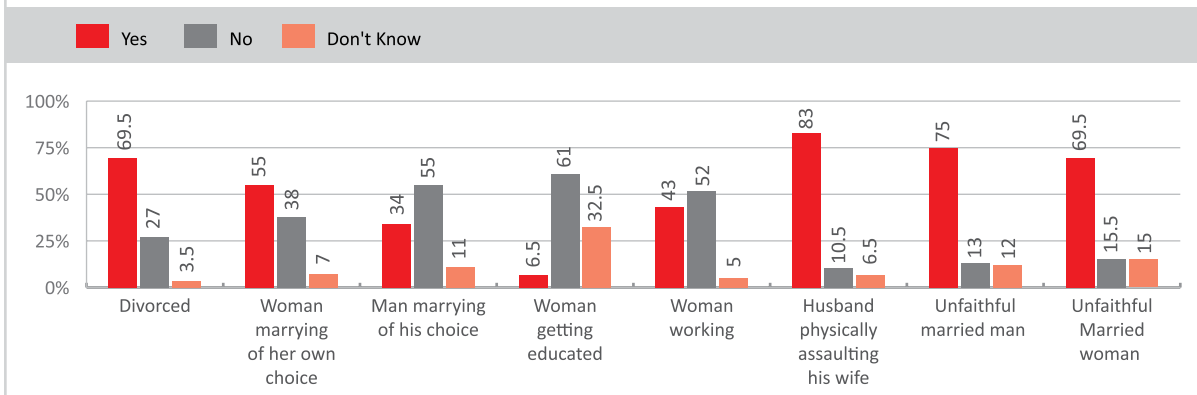
266 Mazna Hussain, “Take My Riches, Give Me Justice: A Contextual Analysis of Pakistan’s Honor Crimes Legislation”, *Harvard Journal of Law & Gender*, no. 29, 2006, pg 225

267 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

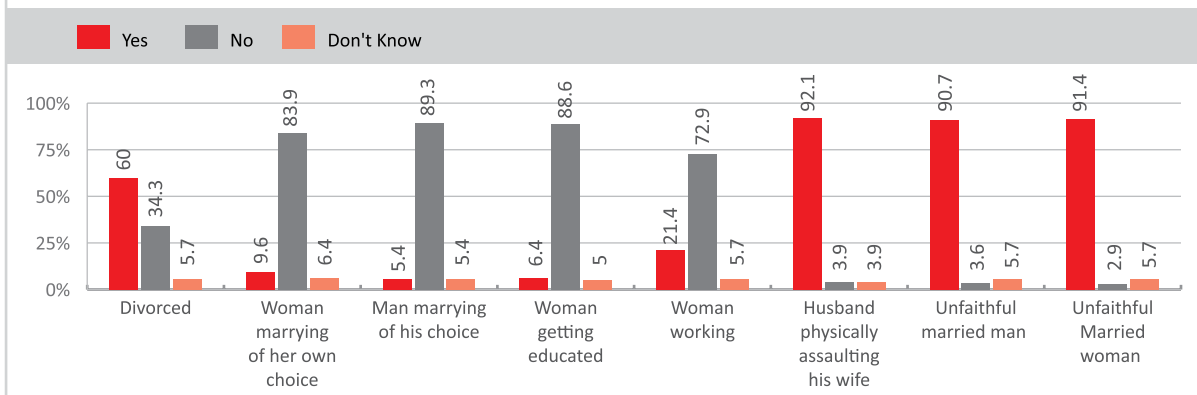
268 Ibid.



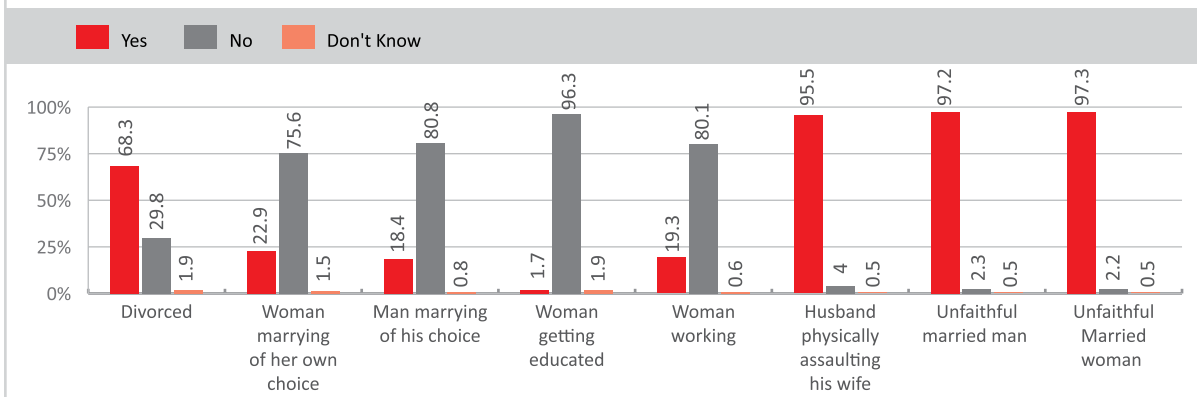
The concept of honour (Balochistan)

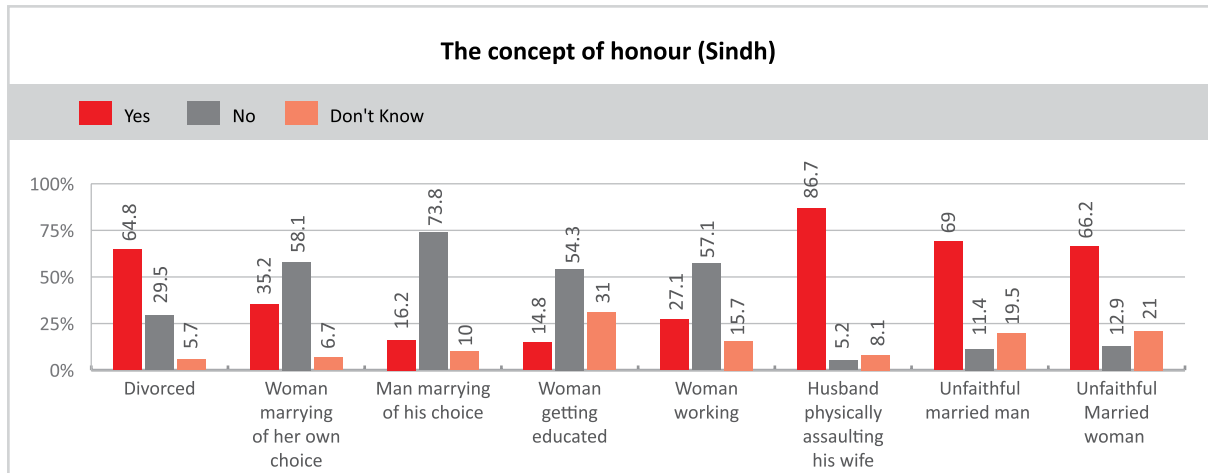


The concept of honour (KP)



The concept of honour (Punjab)





of his own choice, 6.4% women getting educated, 21.4% women working, 92.1% a husband physically assaulting his wife, 90.7% an unfaithful married man and 91.4% an unfaithful married woman as acts of dishonour.

In Punjab, 68.3% identified divorce, 22.9% a woman marrying of her own choice, 18.4 % a man marrying of his choice, 1.7% women getting educated, 19.3% women working, 95.5% a husband physically assaulting his wife, 97.2 % an unfaithful married man and 97.3% an unfaithful married woman as acts of dishonour.

Lastly, in Sindh, 64.8% identified divorce, 35.2% a woman marrying of her own choice, 16.2 % a man marrying of his choice, 14.8% women getting educated, 27.1% women working, 86.7% a husband physically assaulting his wife, 69 % an unfaithful married man and 66.2% an unfaithful married woman as acts of dishonour.

Analysis of the data reveals that divorce and women working are still considered as social taboos and not accepted by a portion of society. Even though these actions are justified legally and by religious principles, they are still seen as “dishonourable” in the traditional tribal context. Surprisingly, notions that were formerly considered “dishonourable”, such as marrying by choice and education of women, are now more readily accepted as conventional norms in Pakistani society.

Cases of honour crimes in Pakistan

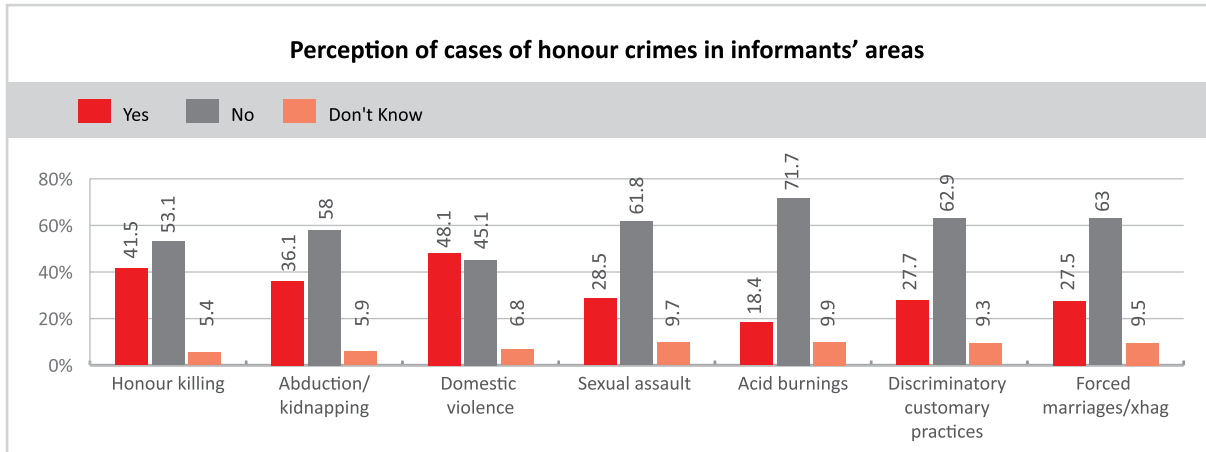
Alarmingly, only 60 per cent of cases of violence against women are reported in the media, while only 40 per cent of them are registered with the police.²⁶⁹ Therefore, these statistics do not accurately represent the extent and number of crimes committed in the name of honour.²⁷⁰ However, the statistics collected by Aurat Foundation demonstrate an increase in these crimes over the years. During 2012, a total of 7,516 cases of violence against women were reported from the four provinces, FATA and the Islamabad Capital Territory. 63% of these cases were reported from Punjab, Sindh had 22% of the total cases, nearly 9% were reported from Khyber Pakhtunkhwa and FATA, Islamabad had a total of 3.7% of the reported cases and Balochistan reported only 2.2% of the cases.

269 “Cases of violence against women rising, says report”, *Daily Dawn*, 16 July 2012, <http://dawn.com/2012/07/17/cases-of-violence-against-women-rising-says-report/>.

270 In-depth interview with Mahnaz Rehman, resident director, Aurat Foundation, Karachi, 25 August 2013.



It was observed in the key informant interviews that respondents were not so keen to speak about cases of honour crimes that occurred in their villages, communities or towns. Numerous respondents were adamant on the fact that, in their knowledge, no crimes of honour had been perpetuated. However, the interviews conducted in Punjab revealed that physical violence, domestic violence, sexual assault, honour killing, discriminatory customary practices and forced marriages were widespread in the province. Similar responses were found in the other provinces. In Sindh the custom of early and forced marriages was emphasised.



Perception of cases of honour crimes in informants' areas

To evaluate the opinion of the sampled population with regard to the prevalence of different types of crimes of honour in their area/community/region, the question was posed “what are the main cases of honour crimes in your area?” Almost half of the respondents (48.1%) identified domestic violence, followed by 41.5% of respondents who identified honour killing, and 36.1% who identified abduction. More than a quarter (28.5%) identified sexual assault, followed by 27.2% who identified discriminatory customary practices. Another quarter of respondents (27.5%) identified forced marriages and 18.4% identified acid burnings.

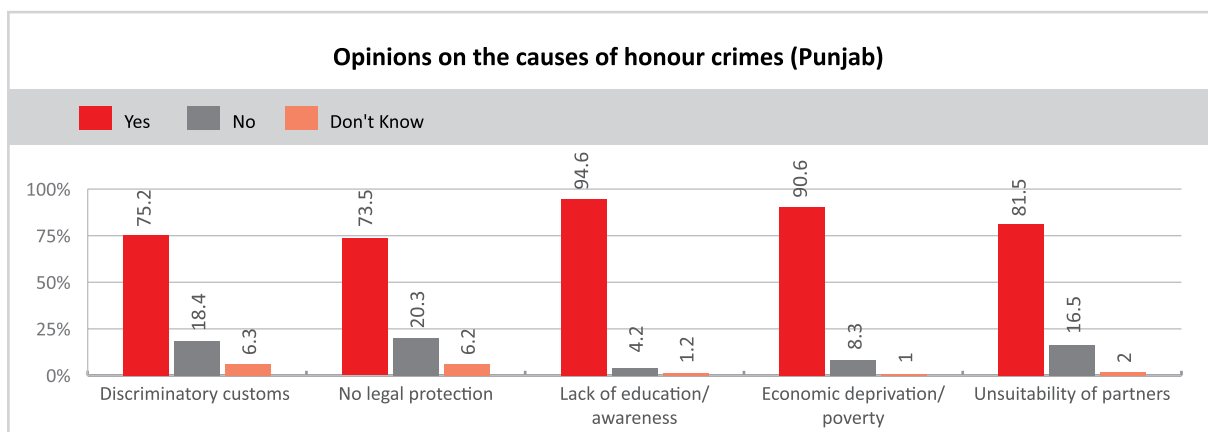
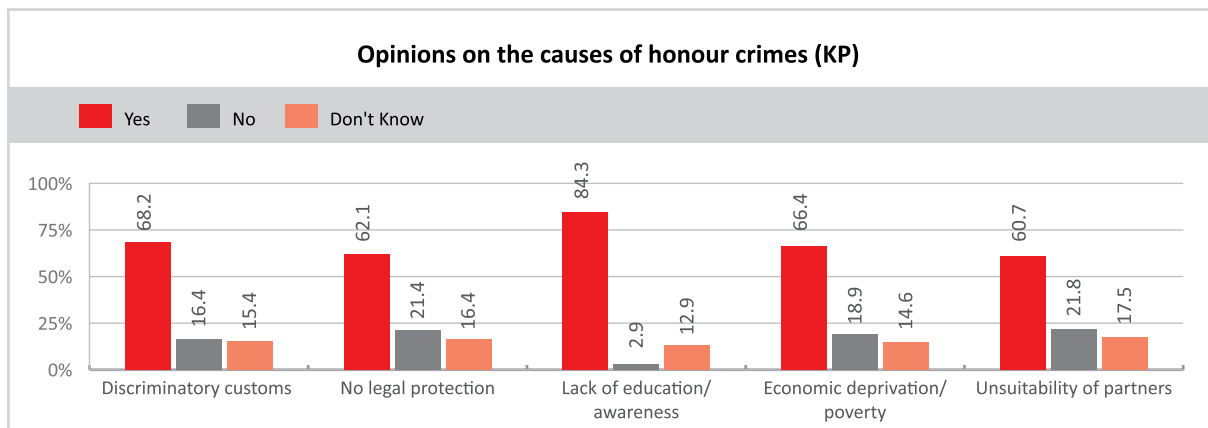
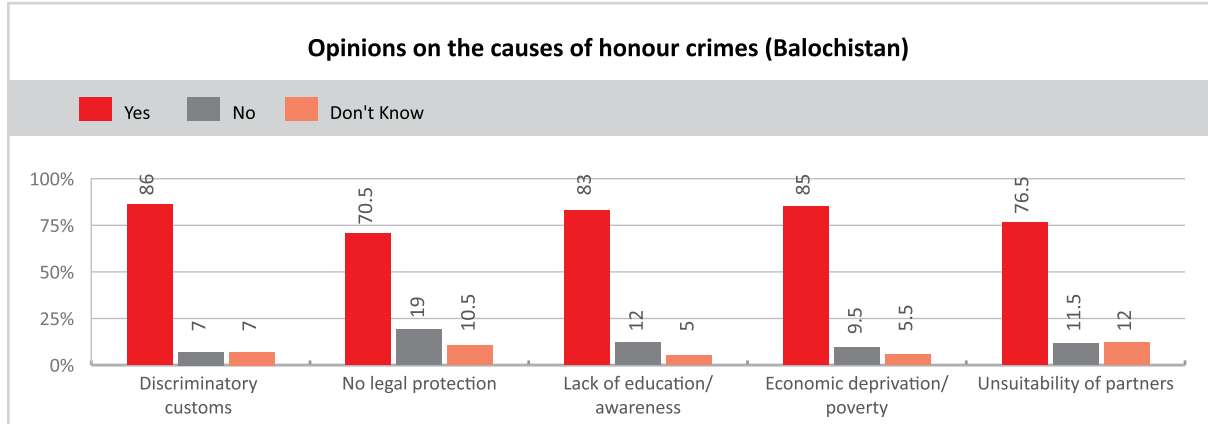
Opinions on the causes of honour crimes

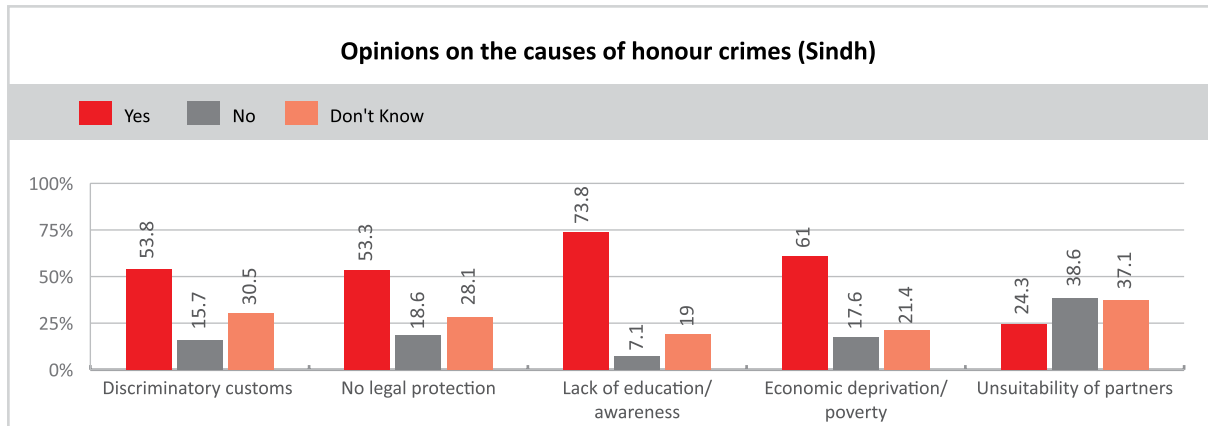
Honour crimes are more widespread in societies where tribal patriarchal structures are maintained and where commodification of women has become stronger over time. Honour crimes are reinforced by tribal values and beliefs that are supported by family members and the community. The absence of negative consequences for the perpetrator not only vindicates the crime but also makes it acceptable.²⁷¹

Identifying the root causes of this social ill, key informants in Punjab believed that a lack of awareness and education, especially in rural areas, ignorance of religious principles, and local traditions resulted in the increase in honour crimes. In addition, communities or families facing economic crisis were seen as more likely to support or resort to honour crimes. Some key informants in Punjab were of the opinion that taking over property also encouraged people to commit honour crimes in the region. Distressingly, a few respondents thought that disreputable women compelled families to commit crimes in the name of honour. Key informants blamed cell phones, cable television and the media for encouraging reprehensible acts which caused such crimes.

271 Mangal Dan Dipty, *The Three Dimensions of Domestic Violence*, (Tate Publishing, 2010).

Through a structured question the survey tried to explore the causes of honour crimes in all four provinces of Pakistan. As shown in the figure the cross-tabulation of the data by region shows substantial differences between local perceptions across the nation.





In Balochistan, 86% identified discriminatory customs, 70.5% absence of legal protection, 83% lack of education/awareness, 85% economic deprivation/poverty, and 76% unsuitability of partners as causes of honour crimes.

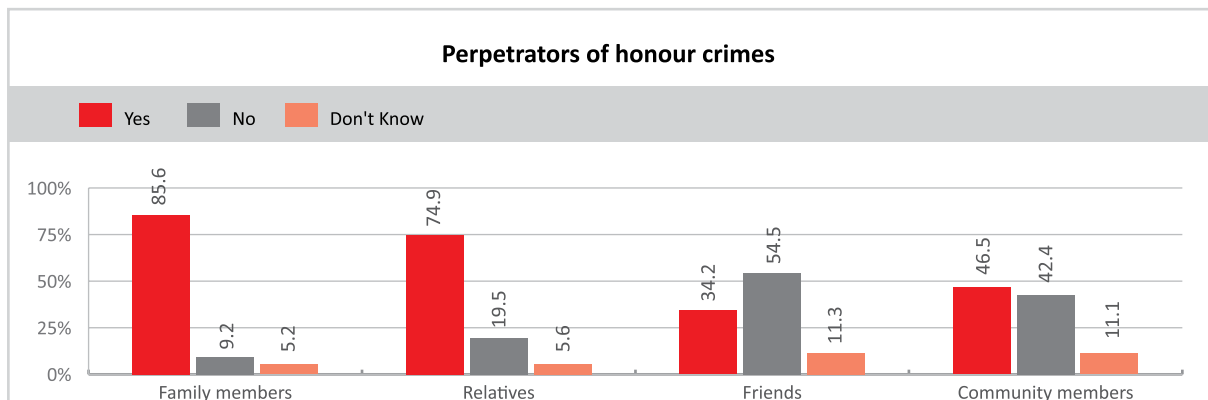
In Khyber Pakhtunkhwa, 68.2% identified discriminatory customs, 62.1% the absence of legal protection, 84.3% lack of education/awareness, 66.4% economic deprivation/poverty and 60.7% unsuitability of partners as causes of honour crimes.

In Punjab 75.2% selected discriminatory customs; 73.5% selected no legal protection; 94.6% selected lack of education/awareness; 90.6% selected economic deprivation/poverty and 81.5% selected unsuitability of partners.

Finally, in Sindh 53.8% selected discriminatory customs; 53.3% selected no legal protection; 73.8% selected lack of education/awareness; 61% selected economic deprivation/poverty and 24.3% selected unsuitability of partners.

Perpetrators of honour crimes

Generally, victims of honour crimes are targeted by the male members of their families, with the help of the women of the family.²⁷² The actual perpetrators of these crimes are often praised for having restored the family



272 In-depth interview with Hina Jilani, women's rights activist and director, HRCF, Lahore, 20 August 2013.

honour²⁷³ and can easily escape punishment due to the unavailability of witnesses and the protection given by the family or the community. The opinion of the key informants was consistent with the general perception of the international and national community, as they acknowledged that it is mainly male family members and in-laws of the victims who commit honour crimes.

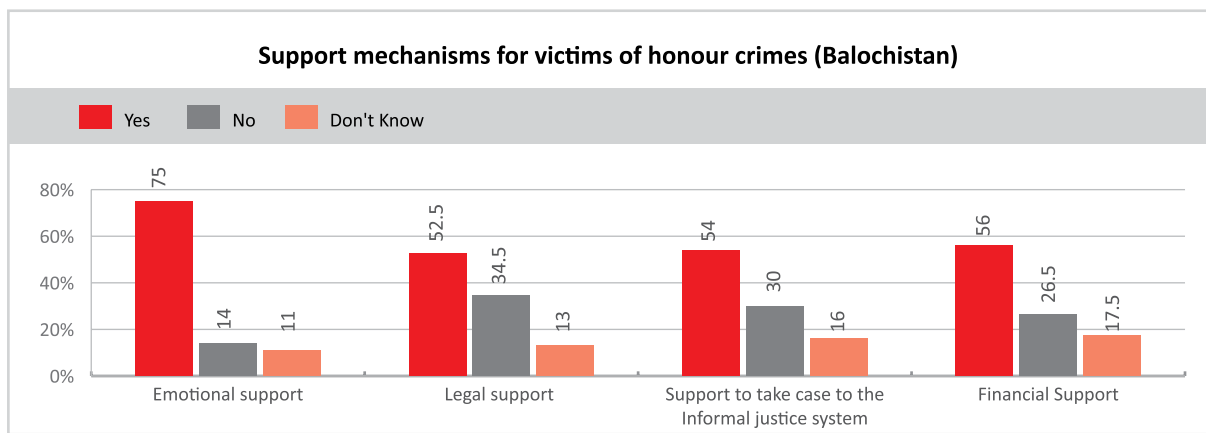
The survey results also verify the commonly held perception regarding perpetrators of honour crimes. The survey aimed to document the general perception of the respondents regarding the perpetrators of honour crimes. In response to this question, 85.6% of the respondents identified family members as those who commit these crimes, followed by 74.9% who identified relatives, and 46.5% who identified community members. 34.2% believed that friends are also involved in crimes of honour. A minority of the respondents stated they did not know the answer to this question or refused to give an answer.

Support mechanisms for victims of honour crimes

It is vital to know the gaps in the existing support mechanisms providing services to victims of honour crimes and how the general public perceives such mechanisms. This will help bring forward recommendations of reforms to the policy makers and other actors involved in service delivery in the said sector.

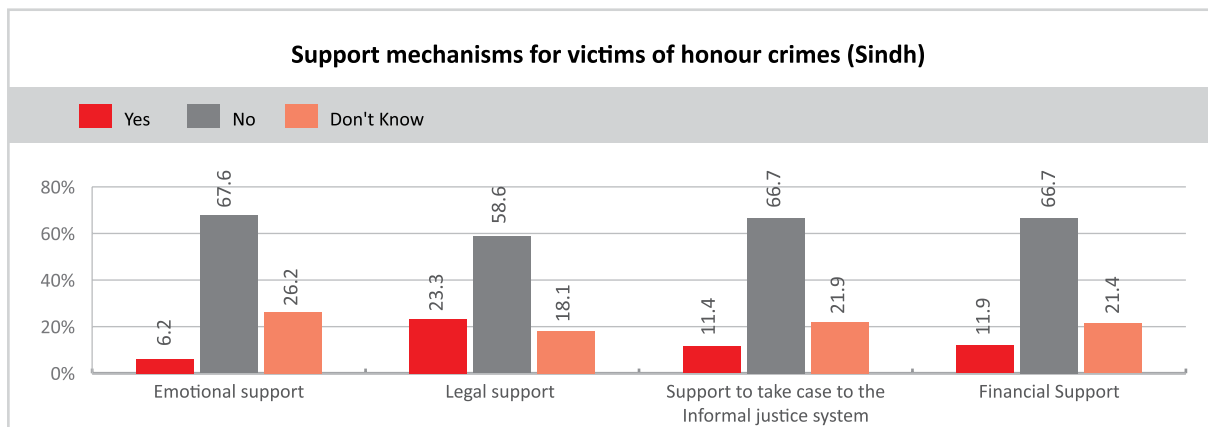
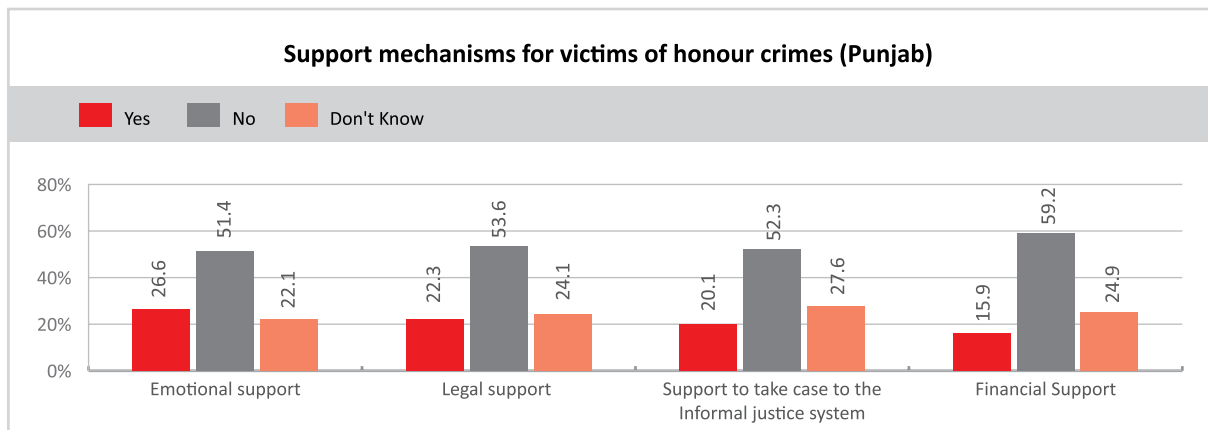
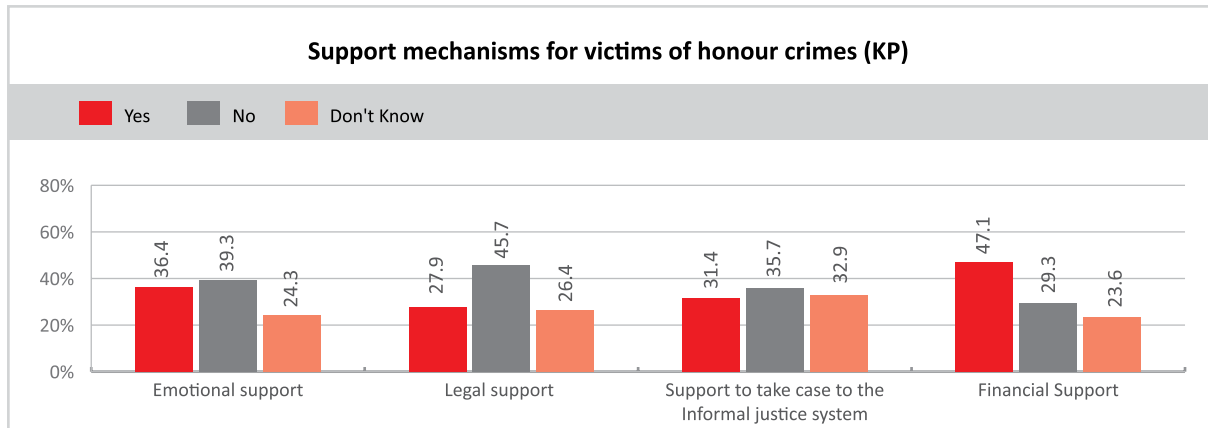
The survey results show that in Balochistan, numerous respondents believed that victims were provided with emotional support (75%), legal support (52%), support to take their cases to the informal justice system (54%) and financial support (56%). In comparison the percentage in Khyber Pakhtunkhwa was much lower, with 36% believing in the availability of emotional support, 27% legal support, 31.4% support to take cases to the informal justice system and 47.1% financial support in their province. Percentages were lower in Punjab, as 26.6% said emotional support was provided to victims, 22.3% legal support, 20.1% support to take cases to the informal justice system and 11.9% financial support. Lastly, the lowest percentages were found in Sindh, where a mere 6.2% said that emotional support was available to the victims of honour crimes, 23.3% legal support, 11.3% support to take case to the informal justice system and 11.9% financial support.

In contrast to the survey respondents, a majority of key informants were of the view that no support was available to the victims of honour crimes in their towns, villages and districts. However, some respondents in Punjab



273 Dr Jane Hailé, "Honour Killing, its Causes and Consequences: Suggested Strategies for the European Parliament", European Parliament, 2007.





acknowledged that victims, especially women, were only given emotional support by their families and/or community. In other provinces informants stated that victims were also given support to take their case to the informal justice system to seek justice.

These results are conflicting and alarming and suggest the need for drastic reforms in the sector. At the same time, the study also points to the need for a proper assessment of these facilities to test the perception with reality.

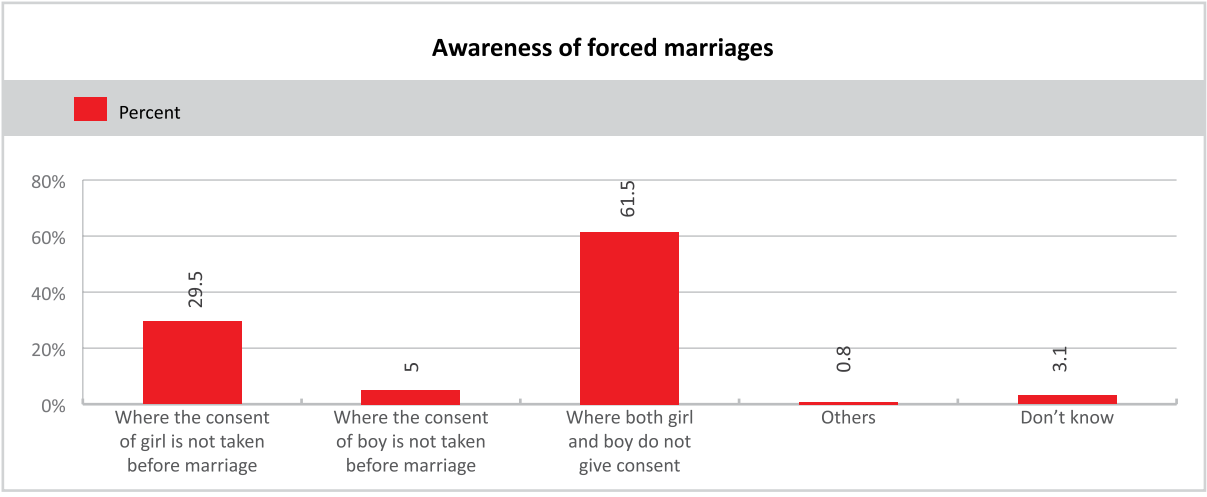
Types of honour crime

Forced marriages

Forced marriage involves a lack of free will on the part of at least one of the parties to a marriage. Statistics on the prevalence of forced marriage in Pakistan that would allow for a comparison between provinces are unavailable. However, the HRCP observes in its 2010 report that “[Pakistani] girls and women continued to be forced into marriages against their will, killed or intimidated for asserting their right to choose their spouse or generally to make decisions about their own lives.”²⁷⁴ Elsewhere it notes that “the practice of giving away women and even underage girls in marriage to settle men’s disputes also continued.”²⁷⁵ Freedom of choice and the right to marry is protected under international human rights law and protected by domestic laws in Pakistan. However, customary practices across the nation, exacerbated by ineffective implementation and enforcement of the law and the failure of state institutions constrain the practical realisation of this right.²⁷⁶ The practice of forced marriage therefore continues to haunt women across the country.

Forced marriages of underage girls have been a subject of grave concern for international human rights organisations globally. In Pakistan, the Child Marriage Restraint Act (1929) regulates underage marriages. Under this act, 16 years is currently the minimum marriageable age.²⁷⁷ However, 42 per cent of the 60 million marriages under the age of 18 marriages in the past year were in Pakistan.²⁷⁸

To find out the level of awareness among respondents regarding forced marriage and its causes, the survey first asked about their understanding of various aspects of forced marriage. A few key informants were of the



274 HRCP, Annual Report on State of Human Rights 2010.
 275 HRCP, Annual Report on State of Human Rights 2011, note 13, p. 211.
 276 Sara Hossain and Suzanne Turner, “Abduction for Forced Marriage – Rights and Remedies in Bangladesh and Pakistan”, *International Family Law*, April 2001, <http://www.soas.ac.uk/honourcrimes/resources/file55687.pdf>.
 277 Child Marriage Restraint Act (1929), <http://wcd.nic.in/cm1929.htm>.
 278 Asad Zia, “42% of underage married girls from Pakistan”, *The Express Tribune*, 2 January 2013, <http://tribune.com.pk/story/487659/child-marriages-42-of-underage-married-girls-from-pakistan/>.



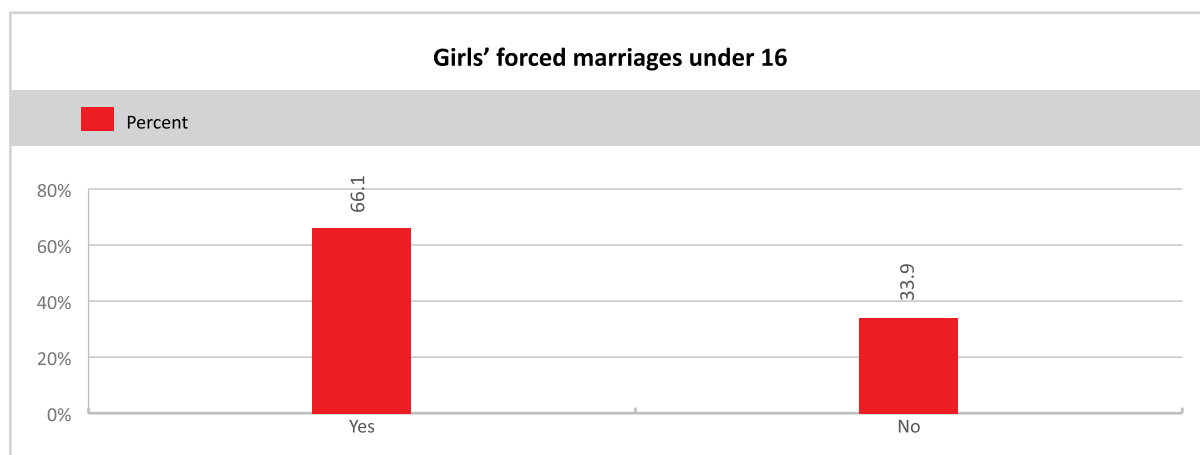
view that forced marriages consist of “unwillingness of the girl”, whereas others identified it as lack of consent by both the bride and groom. The reasons given for this custom were lack of education and vested interests to keep inheritances in the family. Forced marriages were also thought to take place due to desire to obtain a dowry, fear that children might marry of their own choice, and to end enmities between families. Such marriages were termed as duplicitous, un-Islamic and unfair.²⁷⁹

These questions were also posed to the survey respondents. The survey result is quite clear and encouraging.

A majority of the respondents (61.5%) understood forced marriage as taking place where both girl and boy had not given consent. In contrast, 29.5% believed it was where the consent of the girl is not taken before the marriage and only 5% believed it was where the consent of the boy was not taken before marriage. The results show that there is a growing awareness of the concept of forced marriages, which is the first step towards reform of this inequitable practice.

Girls’ forced marriages under 16

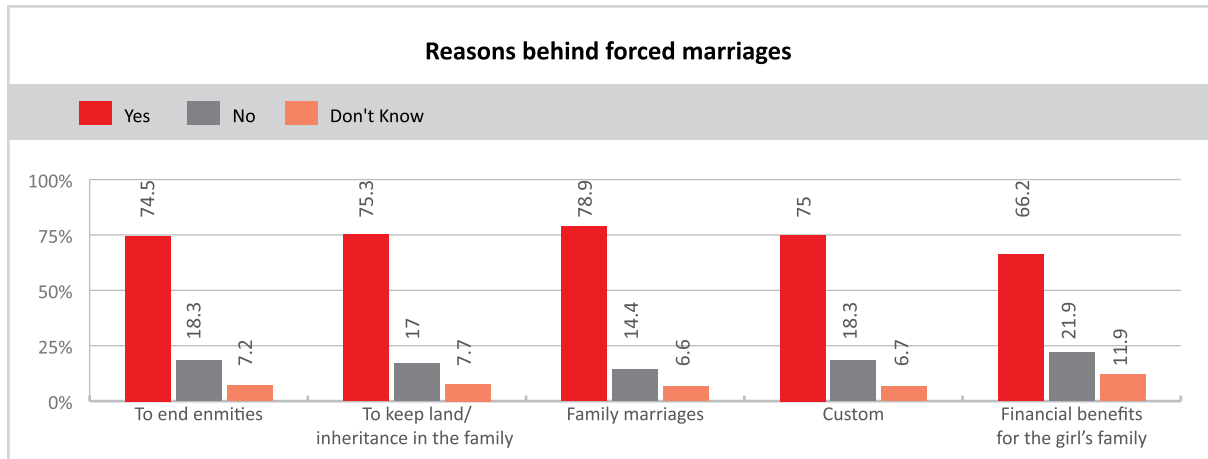
The figure above examines the opinion of 2140 male and female respondents regarding underage forced marriages. The survey results illustrate that a majority of the respondents, (66.1%) agreed that girls given away in forced marriages are mostly under 16, whereas 33.9% disagreed with this notion. We should keep in mind that in rural regions of Pakistan, the age of a woman is often not known and they are customarily married off at childbearing age, which is below 16.



Reasons behind forced marriages

The figure above looks at the reasons perceived as being behind this practice. 74.5% of the respondents answered that it is done to end enmities, 75.3% answered that it keeps land/inheritance in the family, 78.9% answered that it keeps marriages in the family, 75% answered that it is a customary practice and 66.2% answered that it benefits the bride’s family financially. These responses were given by a clear majority, which illustrates that the majority view all these reasons as negative and against human rights standards.

279 Kils in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.



Acid burnings

Acid burning is a form of violent assault usually inflicted on women. It is defined as the act of throwing acid onto the body of a person “with the intention of injuring or disfiguring [them] out of jealousy or revenge.”²⁸⁰ According to the Aurat Foundation Annual Report on Violence against Women for 2012 there were 83 reported cases of acid throwing (48 in Punjab, 11 in Sindh, 4 in KP, 2 in Balochistan and 6 in Islamabad).²⁸¹ The “missing” cases in the data could be blamed on the reluctance of families to report cases related to domestic violence to the police or media, as it is seen as a threat to the family’s *izzat* (honour). These cases are therefore usually taken to traditional informal justice mechanisms or resolved behind closed doors.

In December 2011, the Criminal Law Amendment Act (2011) was passed which made acid burning a crime against the state, and imposed a fine of one million Pakistani rupees, along with a punishment of between seven years to lifetime imprisonment for the crime.²⁸² Despite the laws in place, cases of acid burning continue to be reported all over Pakistan due to weak implementation of the laws.

To document the perceptions of the local population in relation to the nature of the crime and the reasons behind the existence of acid burning in Pakistani society, survey respondents and key informants were asked to identify the victims, offenders and reasons behind acid burning in Pakistan.

According to the key informants, the victims of acid violence are overwhelmingly women and the attackers are usually family members, in-laws or a rejected lover. Key informants opined that women of “bad character” were generally the victims.²⁸³ The reasons given by key informants varied from domestic or land disputes to dowry demands, jealousy or revenge. In many cases they were seen as a form of gender-based violence, perhaps because a woman rejected a marriage proposal or had some kind of relationship with the attacker in the past.

280 R. N. Karmakar, *Forensic Medicine and Toxicology* (Academic Publishers, 2003).

281 Aurat Foundation, “Beyond Denial – Violence against Women in Pakistan: a Qualitative Review of Reported Incidents”, Annual Report 2012.

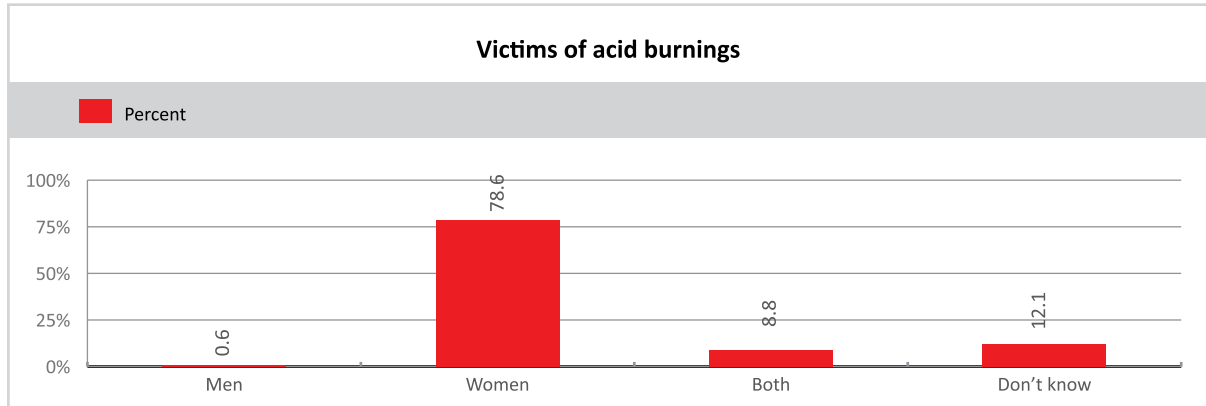
282 Sumera Khan, “Acid attacks: Turning a blind eye to laws to curb violence against women, *The Express Tribune*, 3 December 2012, <http://tribune.com.pk/story/474343/acid-attacks-turning-a-blind-eye-to-laws-to-curb-violence-against-women/>.

283 Kils in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.



Victims of acid burnings

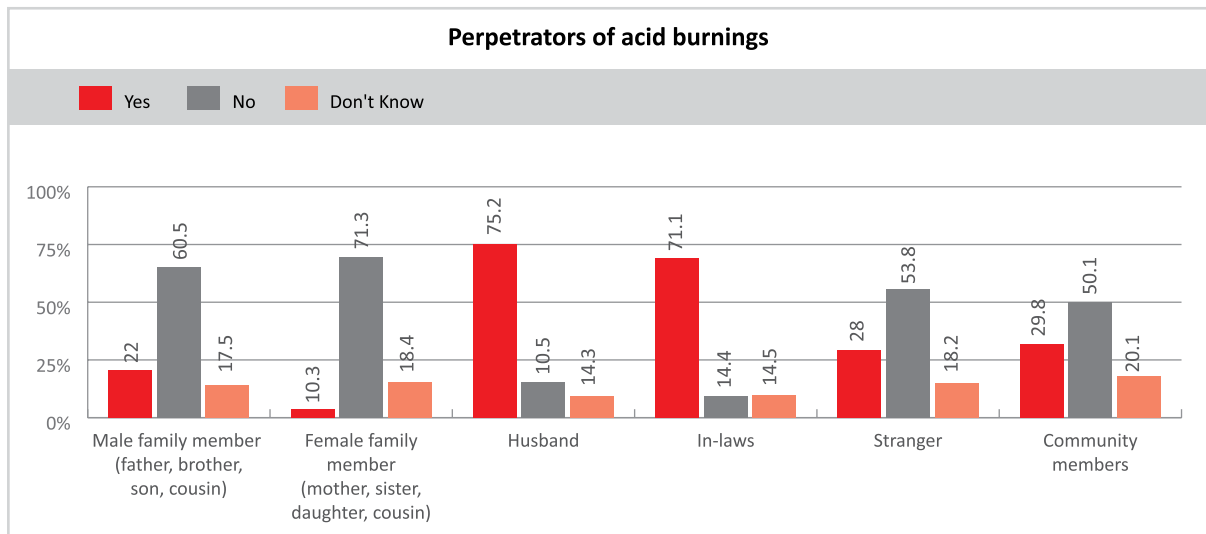
It is believed that victims of acid burning are generally women, and the survey accordingly aimed to document this perception. The survey shows clear results.



The statistical data shows that three quarters of respondents (both male and female) (78.6%) identified women as victims of this heinous act. Furthermore, 8.8% identified both men and women as victims, whereas a negligible 0.6% identified only men as victims of acid burnings. It should also be noted that 12.1% of the respondents were unable to share their opinion.

Perpetrators of acid burnings

As stated in earlier sections, offenders of acid burning are generally male family members, husbands, in-laws and strangers or stalkers. The survey aimed to test this hypothesis through a question that asked respondents to identify perpetrators of acid burning from a list provided.

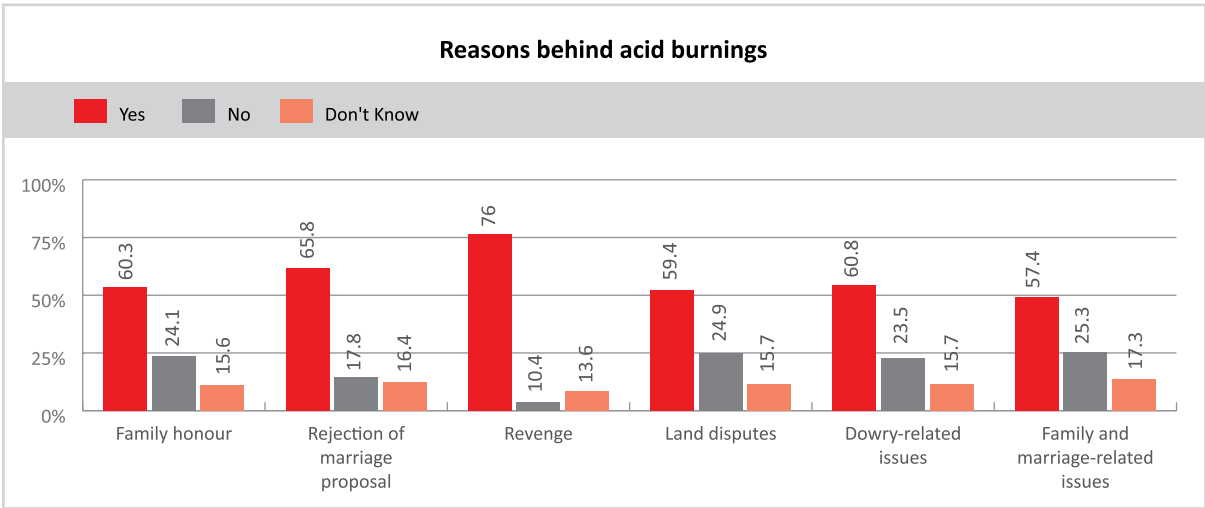


The data reveals that three quarters of respondents, 75.2%, indicated that husbands predominantly committed this honour crime. As this was a multiple-choice question, respondents also identified other perpetrators of acid burnings including in-laws (71.1%), community members (29.8%), strangers (28%), male family members (father, brother, son, cousin) (22%) and female family members (mother, sister, daughter, cousin) (10.3%).

The results clearly indicate that husbands and in-laws are the main perpetrators of acid throwing. This is an alarming situation in Pakistan where women can feel insecure after leaving the protection of their parents when they get married.

Reasons behind acid burnings

The study also intended to document the perceptions of the general public regarding the reasons behind acid burning. Respondents were again provided with multiple options to identify the reasons. According to the survey, three quarters of the respondents, 76%, believed that acid burning was primarily committed to seek revenge from the victim. 65.8% of respondents cited rejection of a marriage proposal, followed by 60.8% who cited dowry-related issues (60.8%) as reasons for acid burning. 60.3% identified family honour, 59.4% identified land disputes and 57.4% identified family and marriage-related issues as reasons behind acid burnings in Pakistan.



Sexual assault

Sexual assault refers to sexual exploitation and sexual abuse. It includes any act, attempt, or threat of a sexual nature that results, or is likely to result in, physical, psychological and emotional harm. Sexual violence is a form of crime committed in the name of honour and aims to oppress the victim and damage the honour of the victim and/or his or her family.²⁸⁴ The Aurat Foundation reported a total of 58 cases of sexual assault nationwide in 2012, including 12 in Punjab and 48 in Sindh.²⁸⁵ However, this does not depict the true state of affairs, as cases of this nature are rarely ever reported and are concealed from the media.

284 IRIN, "Our Bodies – Their Battle Ground: Gender-Based Violence in Conflict Zones", <http://www.irinnews.org/indepthmain.aspx?In-DepthId=20&ReportId=62847>.

285 Aurat Foundation, "Beyond Denial", op. cit.



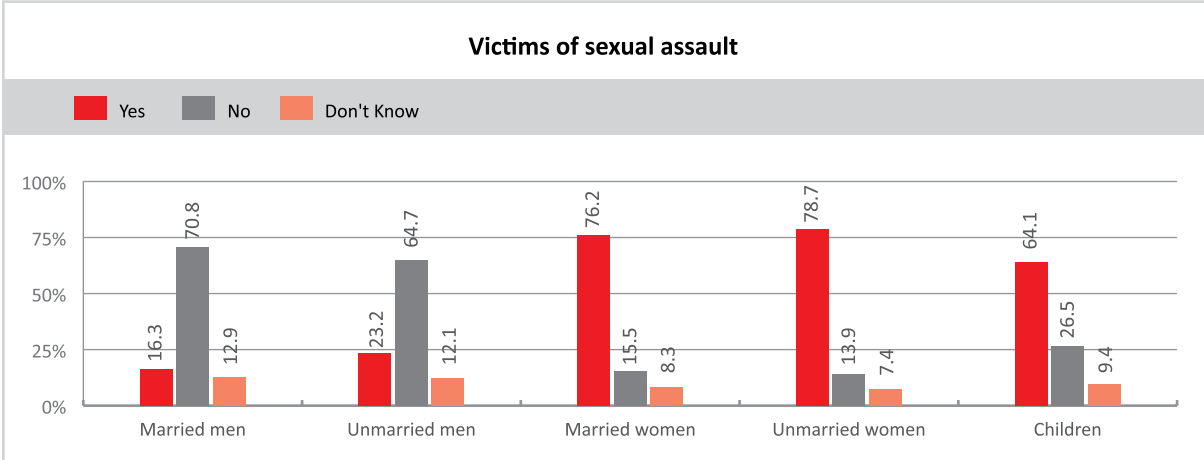
The study aimed to explore public perceptions regarding sexual assault in Pakistan by asking respondents about who generally commits sexual assault and what the reasons behind such acts of violence are, providing them with several possible responses to choose from.

The key informants identified the main victims of sexual violence as women, underage girls and boys. They added that “poverty-stricken girls who coincidentally might be pretty” can fall prey to influential sexual predators.²⁸⁶ Alcoholism and drug addiction, psychological illness, access to pornographic material and weak socio-economic status were given as reasons behind these brutalities. Astoundingly, a respondent stated that “everybody is responsible for their own protection”, and went on to say that provocative western movies, friendships between opposite genders and seductive dressing gave rise to sexual violence.²⁸⁷

Victims of sexual assault

The table below reveals the perception of 2140 respondents regarding the victims of sexual assault.

A majority of the respondents, 78.7%, identified unmarried women, followed by 76.2% who identified married women as victims of sexual assault. Furthermore, 64.1% said that children were also victims, whereas some respondents also said that unmarried men and married men are sexually assaulted. Overall, the results show that women are generally perceived as the main targets of sexual assaults.

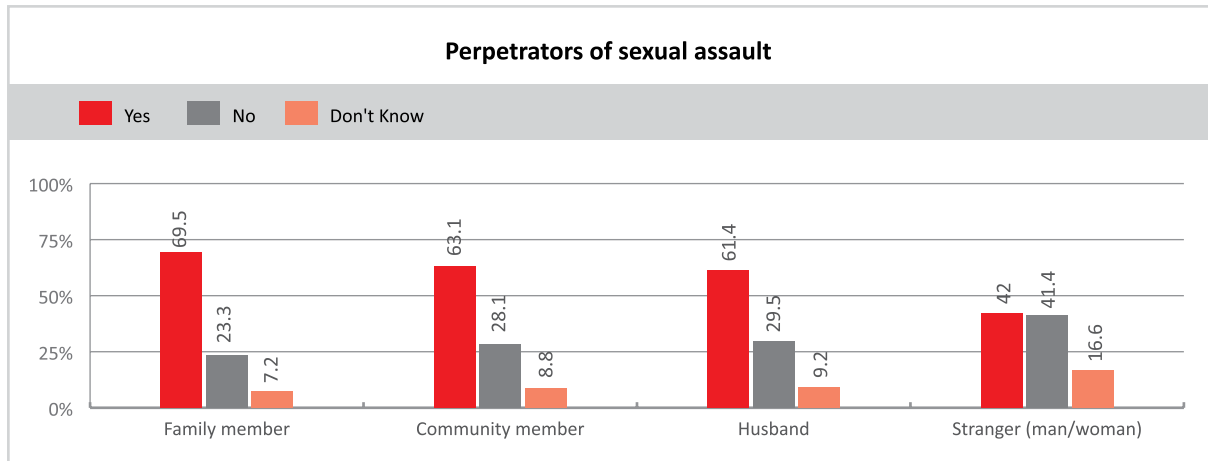


Perpetrators of sexual assault

The survey respondents were provided with options to identify the perpetrators of sexual assault.

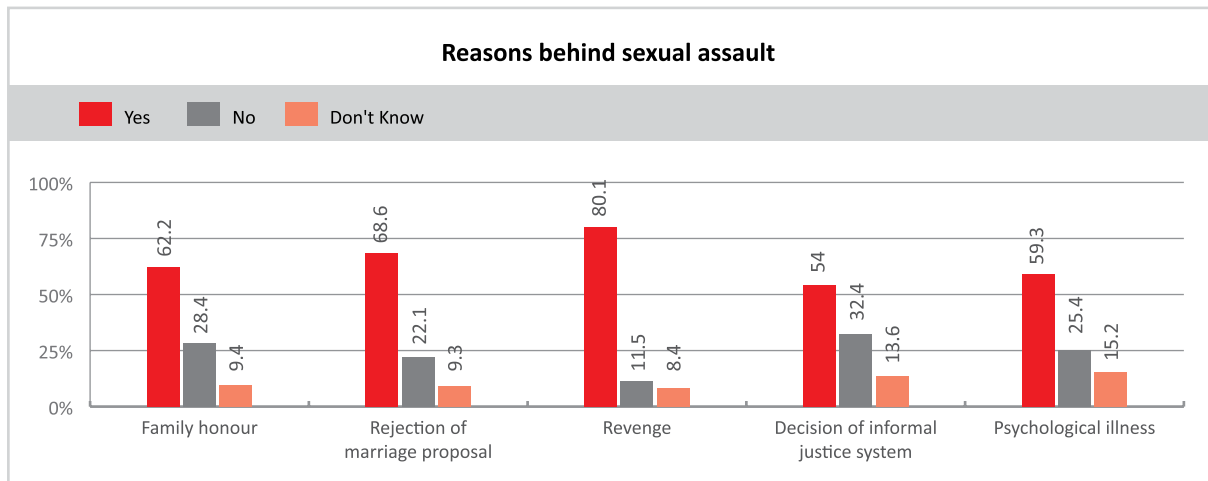
In response to this question, 69.5% identified family members, followed by 63.1% who identified community members, 61.4% who identified husbands and 42% who identified strangers (men or women). The survey results indicate that the general perception is that perpetrators tend to be close family members, including husbands and communities.

286 Kils in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.
 287 Ibid.



Reasons behind sexual assault

As stated in earlier sections, the available literature argues that the reasons behind sexual assault generally include family honour, rejection of marriage proposals, revenge and others. These options were shared with the survey respondents for their opinion.



The survey data shows that an overwhelming majority of the respondents, 80.1%, believed the main motive behind sexual assault was to seek revenge. Furthermore, respondents also believed that rejection of marriage proposals (68.6%), family honour (62.2%) and psychological illnesses (59.3%) were reasons behind sexual assault. 59.3% of the respondents also believed that certain decisions of the informal justice system imposed sexual assault as a form of punishment.

Discriminatory customary practices

Honour crimes also include discriminatory customs that violate the fundamental human rights of women in Pakistani society. These discriminatory customary practices include *swara/vani*, bride-price/*walwar*, forced



marriages/*xhag*, marriages to the Quran, *watta satta*, *jahez* and live burials. A brief description of the discriminatory customary practices found in different regions and cultures of the country follows below.

Swara/vani

Honour-related disputes can be settled by giving and taking *swara/vani*. The tradition of *swara* is prevalent in various parts of the Pakhtun belt and is deeply entrenched in Pakistan's tribal culture. The custom of *vani* is practiced in Punjab and adjacent areas of Pakistan.²⁸⁸ The custom calls for a girl to be given away in marriage to an aggrieved family as compensation for a serious crime committed by her father, brothers or uncles. Generally, a girl is given in *swara/vani* marriage as compensation for murder, adultery or abduction committed by the men of her family. This appalling decision is usually made and supported by local tribal institutions of decision-making and dispute settlement.²⁸⁹ Since the *jirga/panchayat* decision-making process is completely male-dominated, it decides the fate of women and the pronouncement of *swara/vani* without seeking the opinion or consent of the women concerned.

Xhag

The practice of *xhag* is also a part of *pakhtunwali* in some of the Pakhtun-dominated areas. This historical custom is a man's declaration of claim over a woman for marriage. Through this custom, males (particularly paternal cousins) have a birthright to marry their female cousins, even if their match is incompatible. There are many cases of women being forced to marry men from their family who are criminals or suffering from a mental or physical disability under this custom.²⁹⁰ This implies that if someone has advanced a claim (*xhag*) over a girl and someone else wishes to marry her, he will have to deal with the claimant first. Therefore, better proposals for girls cannot be even considered and at times girls who are affected by this custom are forced to remain spinsters all their lives.

Walwar

Walwar, bride price, has been a cultural practice for centuries in the tribal areas of Pakistan. Bride price usually consists of tangible items (cattle, gold, etc.) or money that is paid by the groom to the bride's family in exchange for the bride. Traditionally, this custom was a gift which aimed to bring families together by easing the financial burdens on the bride's family associated with the wedding ceremony as a token of appreciation. Today, however, this practice appears to have become commercialised and has lost much of its traditional value in many instances. The significance of this centuries-old custom has now changed to a list of demands made by the bride's family. It now appears as if the man is "buying" his wife as a commodity, with the price wholly depending on her beauty, monetary status and age. The impact of this iniquitous custom on young women is catastrophic as it reduces them to chattels – a clear violation of their fundamental human rights and dignity.²⁹¹

Marriages to the Quran

The custom of marriages to the Holy Quran predominantly exists in Sindh province, but it is widespread in

288 Barbara Plett, "Forced child marriage tests Pakistan law", BBC News, December 2005, http://news.bbc.co.uk/2/hi/south_asia/4499028.stm.

289 Rabia Ali, op. cit.

290 Roundtables/awareness sessions held by CAMP, Phase II of RLPP Project, Islamabad, 2011.

291 Roundtables/awareness sessions held by CAMP, Phase II of RLPP Project, Islamabad, 2011.

other parts of Southern Pakistan as well. This tradition is known as *haq bakshish*, meaning “renouncing the right to marry”. According to independent sources in Islamabad, approximately 10,000 girls are married to the Quran in Sindh.²⁹²

Under this type of marriage, young girls are asked to dedicate themselves to memorising the Holy Quran for the rest of their lives. Rich and feudal families in Sindh typically practice this custom. It was first devised to deny women their fundamental right to inheritance and out of fear of property being passed on to someone outside their family.²⁹³

Watta satta

Watta satta, which literally means “give and take”, involves the simultaneous marriage of a brother-sister pair from two households. This customary practice contributes to almost a third of all marriages in rural Pakistan, and is even more prevalent in parts of Sindh and southern Punjab province.²⁹⁴ There have been many instances where a husband who “mistreats” his wife or divorces her for some reason can expect his brother-in-law to retaliate in kind against his sister.²⁹⁵

Live burials

The custom of burying women alive is a form of honour killing that predominantly exists in the province of Balochistan.

Despite the attempts of the legislature to eliminate these widespread practices through enactment of laws that prohibit discriminatory practices, this type of honour crime remains prevalent throughout Pakistan. The overwhelming majority of key informants acknowledged that practices of *watta satta*, *vani*, forced marriages, marriage to the Quran and dowry are prevalent in their respective regions. Most of the key informants believed that the concept of dowry was “the mother of all social ills”, which tries to justify customary practices such as *watta satta* on the basis that it is more than just an exchange of women from two families, and it establishes the shadow of mutual threat over the marriage. It is believed that a husband who “mistreats” his wife in this arrangement can expect his brother-in-law to retaliate in the same manner against his sister. Therefore, it is generally argued that husbands are obligated to treat their wives with kindness in such arrangements.

Customs that violate fundamental rights

Survey respondents were also given the opportunity to share their opinion on various customs which are seen as violations of the fundamental rights in Pakistan.

The results in the figure above show that an overwhelming majority believed that discriminatory customary practices violate the fundamental human rights of the victims. This included 71.4% of respondents voting against *swara/vani*; 77.6% against bride price/*walwar*; 82.2% against forced marriages and *xhag*; 74.3% against marriages to the Quran; 79.6% against *watta satta*, and 76.2% against live burial.

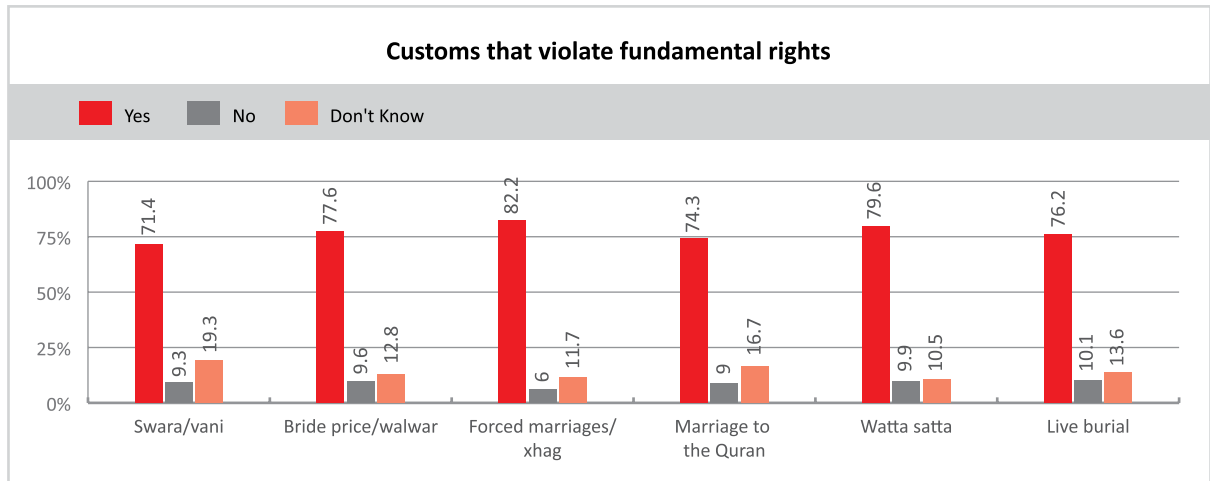
292 “The life of slavery of Pakistani women who are forced to ‘marry’ the Quran”, *Vatican Insider*, 30 July 2013, <http://vaticaninsider.lastampa.it/en/world-news/detail/articolo/pakistan-pakistan-pakistan-26873/>.

293 Ibid.

294 Hanan G. Jacoby and Ghazala Mansuri, “Watta Satta: Exchange Marriage and Women’s Welfare in Rural Pakistan”, April 2005, http://ipl.econ.duke.edu/bread/papers/0509conf/bread0509_jacoby_mansuri.pdf.

295 Ibid.

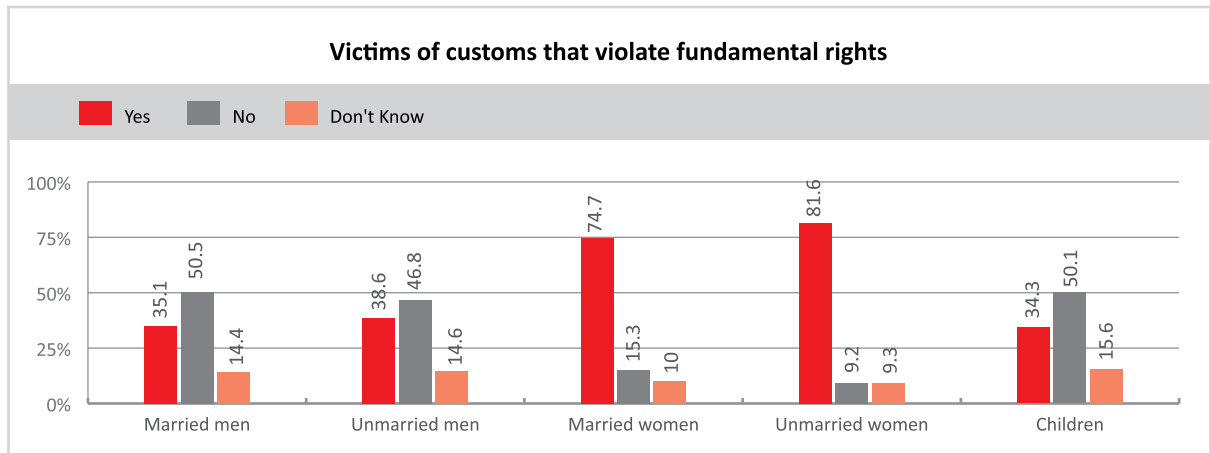




Victims of customs that violate fundamental rights

The survey aimed to document the perceptions of respondents about the victims of customs that violate fundamental rights. The question asked respondents to select between several options.

An overwhelming majority identified married women (74.7%) and unmarried women (81.6%) as victims of customs that violate fundamental rights, followed by 35.1% of respondents who identified married men and unmarried men (38.6%) as victims of such violations. 34.3% identified children as victims of these customs.



Honour killing

Honour killing is the practice of killing an “adulterous” woman, and at times her illicit partner, to erase shame and restore honour.²⁹⁶ Honour killings are widespread through all provinces and tribal regions, with different

296 Rabia Ali, op. cit.

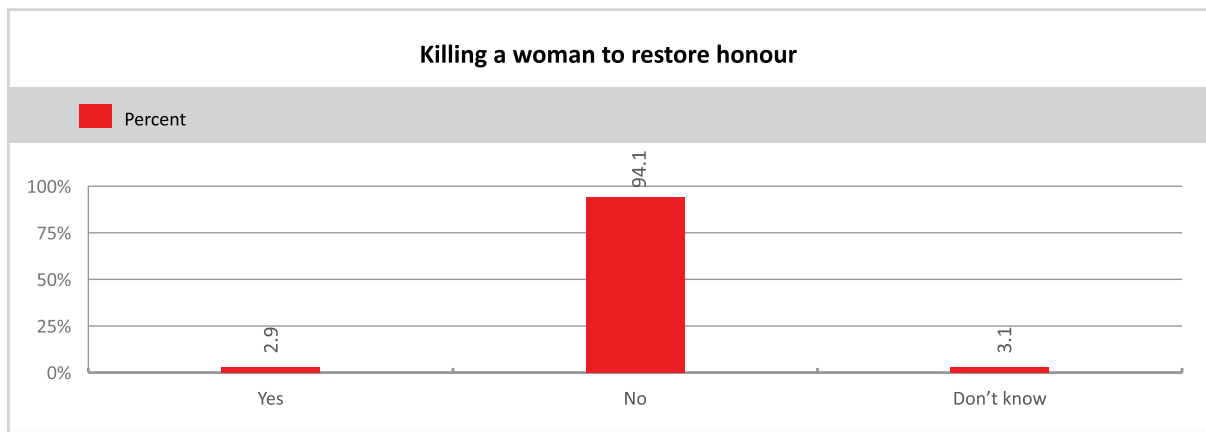
names. In southern Punjab it is referred to as *kala kali*, as *karo kari* in Sindh, *siyahkari* in Balochistan and *tor tora* in Khyber Pakhtunkhwa.²⁹⁷ Despite an increase in attention given to the subject in the media, Aurat Foundation's Annual Report reported 432 cases of honour killing in the country in 2012 (227 in Punjab, 158 in Sindh, 42 in Khyber Pakhtunkhwa, 8 in Baluchistan and 2 in Islamabad).²⁹⁸

The existence of two parallel justice systems in Pakistan has further complicated the legal status of honour killings in Pakistan. On one hand the formal legal system consists of legislative mechanisms and judicial rulings which consume time and money before reaching any conclusion; on the other hand the informal justice system consists of customary law which allows elders to make decisions based on their wisdom and local traditions. Furthermore, the *Qisas* and *Diyat* Ordinance creates a loophole in the legal instruments, as under this law most cases of honour killings, which are usually committed by family members, can be legally forgiven if the heirs of the victims receive monetary compensation in return.²⁹⁹

The following set of questions posed to the respondents was intended to find out the perception of the public regarding honour killings in Pakistan. They were asked: is killing women the only way to restore honour? Are women killed on proof or mere suspicion of infidelity? Who are usually the victims of honour killing? Who generally encourages honour killing? What are the reasons behind honour killing?

The key informants stated that in their villages, towns and communities they believed that members of victims' own families kill in the name of honour.³⁰⁰ "Blood has to flow to restore honour", and "a man's respect means everything to him and he has the right to restore his dignity if his wife or daughter shames him", were some of the views expressed. Conversely many respondents also believed that killing an apparently adulterous woman does not reinstate honour. The interviews established that honour killings were at times used as a disguise to avoid expenditures incurred by daughters' or sisters' marriages, or to capture the victim's property. Women are also killed in acts of revenge along with male members of an enemy family to settle scores. Key informants suggested that feudal landlords, community elders and family members of the victims worked together to conceal the crimes committed.

Killing a woman to restore honour



297 Lynn Welchman and Sara Hossain, op. cit.

298 Aurat Foundation 2012 Annual Report.

299 "Law against 'honour killing': When the enforcers don't get it, how will the victims?", *Express Tribune*, 5 November 2013.

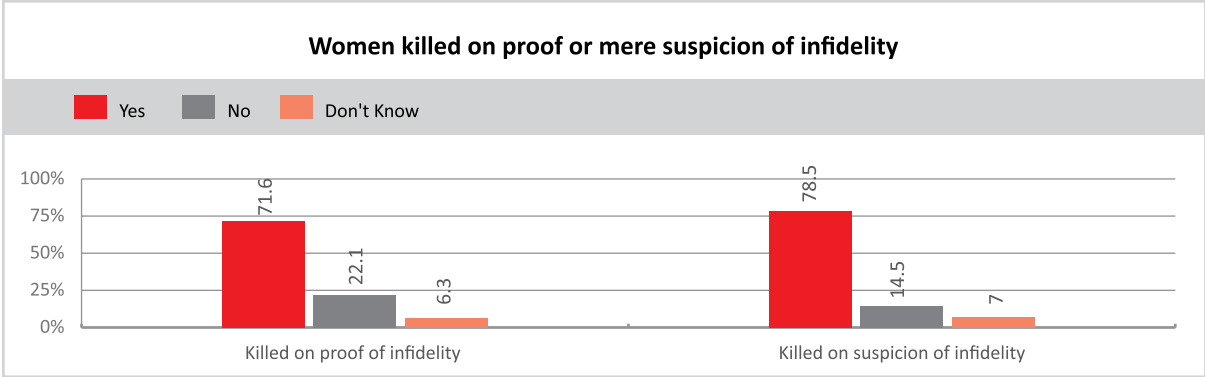
300 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.



The survey attempted to establish a link between the perception of dishonour and the concept of murder. An overwhelming majority of the respondents, 94.1%, believed that it was not necessary to “kill a woman to restore honour”. The percentage of respondents that supported honour killing was just 2.9%. Although this is a small proportion, it is alarming that 61 out of 2104 respondents openly justified the act of honour killing.

Women killed on proof or mere suspicion of infidelity

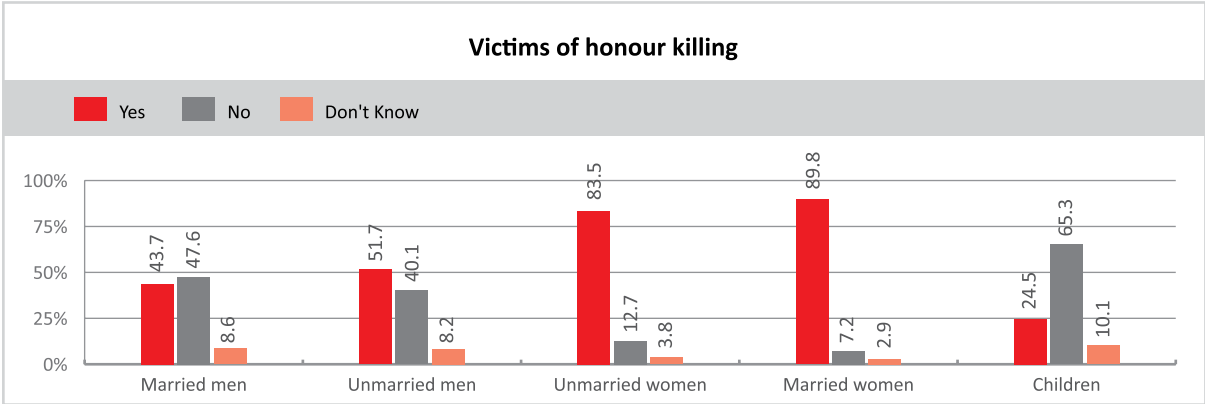
The survey documents respondents’ perceptions about whether women are killed in the name of honour on proof of infidelity or just on the basis of suspicion. There are many precedents in the Pakistani legal system where women were killed in the name of honour based on a suspicion of infidelity. The results for both options turned out to be similar. Around 71% of respondents believed that that victims are killed based on proof, while 78.5% thought that women are killed on suspicion of infidelity. However, the slight difference in the percentages suggests that there is a higher probability of victims being falsely accused of adultery, and at times they may be framed by perpetrators with vested interests, such as in cases of property and inheritance.



Victims of honour killing

The following question aimed to find out how respondents identify victims of honour crimes.

Out of 2,140 respondents from all four provinces, an overwhelming majority identified women, including both unmarried (83.5%) and married (89.8%) women, as victims of honour killings. However, around half the respon-

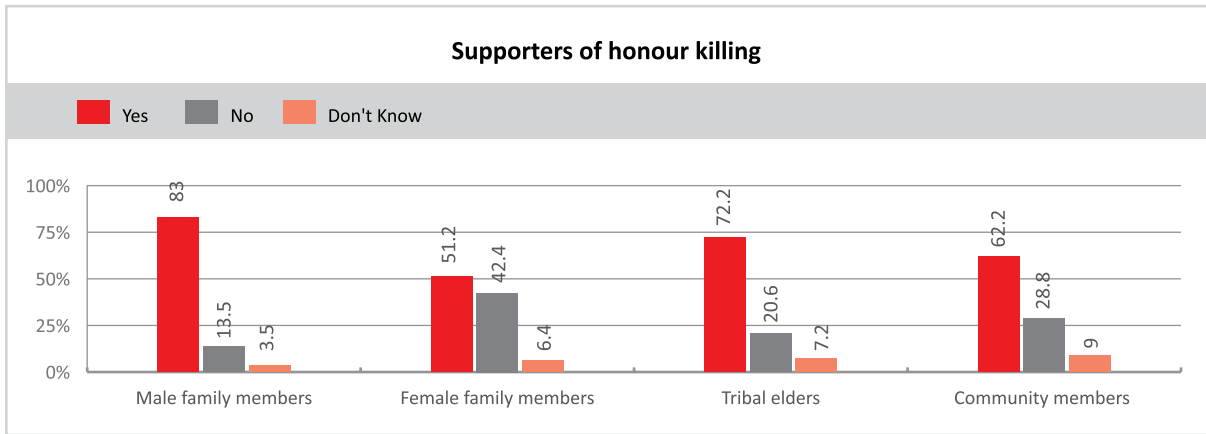


dents (51.7%) identified unmarried men followed by 43.7% who identified married men. 24.5% believed that children are also victims of this heinous crime.

Supporters of honour killing

The next issue the survey documented was the general perception regarding groups who support and encourage honour crimes in Pakistani society.

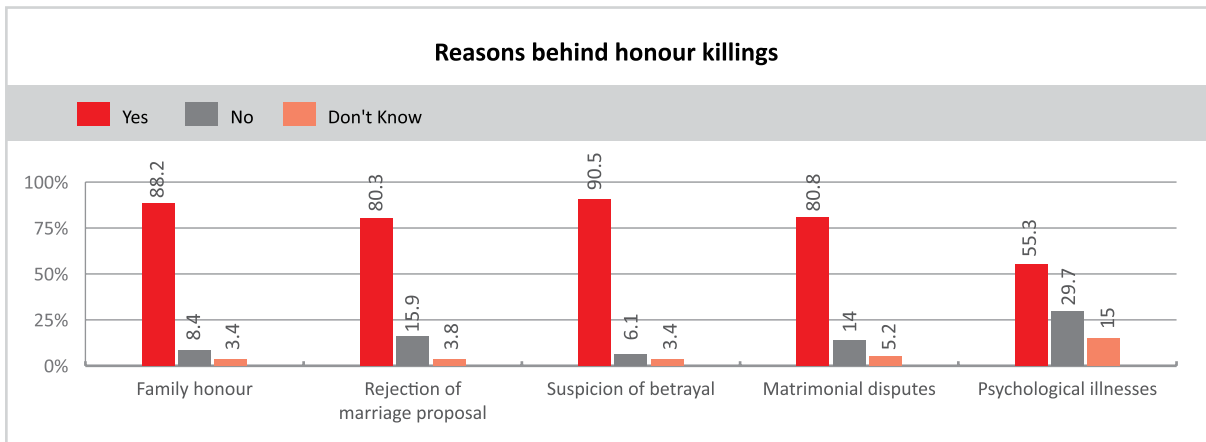
According to the survey result, respondents believed that it is mostly relatives of the survivor or the victim who encourage such crimes, including, male family members (83%), for example husbands, brothers, cousins, fathers, uncles; and female family members (51.2%), for example mothers, mothers-in-law, sisters, aunts or cousins. Furthermore, a majority (72.2%) of respondents also believed that tribal elders encourage or endorse honour crimes by passing *jirga/panchayat* decisions that permit honour killings.



Reasons behind honour killings

The following question aimed to document the perception of the reasons behind honour killings in Pakistan.

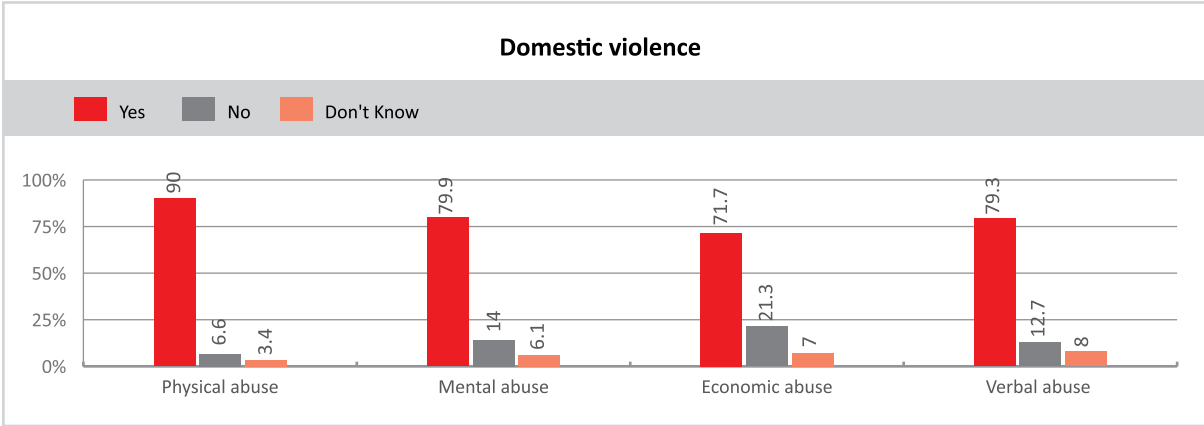
The survey posed a multiple-choice question which provided respondents with several options. The results



are surprising. Some 9 out of 10 respondents believed that suspicion of infidelity is the main reason behind honour crimes, followed by another overwhelming majority of 88.2% who believed that family honour is the main cause. Eight out of ten (80.8%) selected matrimonial disputes, followed by 80.2% who believed that rejection of marriage proposal was a reason behind honour killings. Some 55.3% identified psychological illnesses as one of the reasons behind honour killings. The survey results reaffirm that the concept of restoring honour by killing is inherent in Pakistan’s patriarchal society in both rural and urban areas.

Domestic violence

Domestic violence includes mental, emotional, verbal, sexual or physical abuse such as constant condescending and humiliating remarks, threats, slapping, kicking, hitting, choking, and destroying property, economic deprivation, forced sexual activity, isolation and starvation.³⁰¹ According to the monitoring cell of Aurat Foundation, 989 cases of domestic violence were reported nationwide in 2012, out of which 573 were in Punjab, 230 in Sindh, 114 in Khyber Pakhtunkhwa, 34 in Balochistan and 38 in Islamabad.³⁰² The United Nations Declaration on the Elimination of Violence against Women (1993) defines 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.”³⁰³ Psychological/mental abuse includes behaviour that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation.³⁰⁴ A United Nations research study found that 50% of the women in Pakistan are physically battered and 90% are mentally and verbally abused by their men.³⁰⁵



To gain an understanding of respondents’ perceptions of domestic violence, 2140 respondents were asked what they considered as constituting domestic violence.

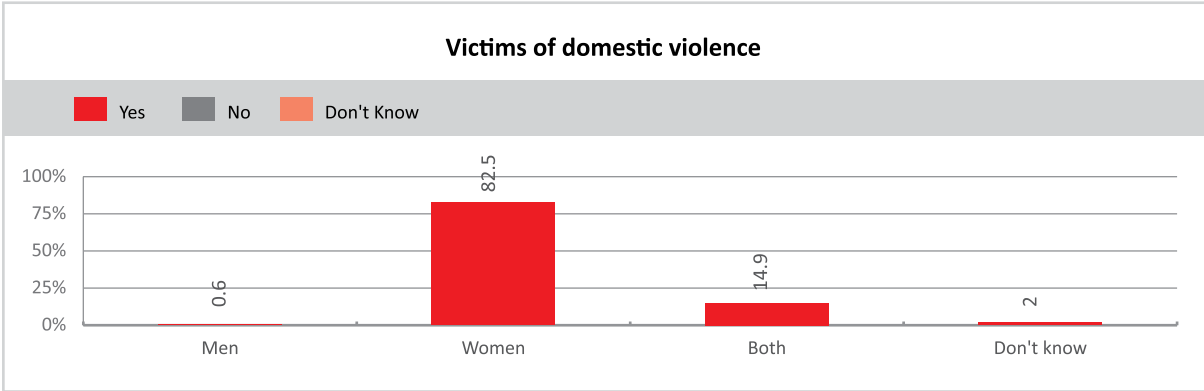
301 Akbar Nasir Khan, “Country Report – Pakistan”, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), http://www.unafei.or.jp/english/pdf/RS_No69/No69_16PA_Khan.pdf.
 302 Aurat Foundation 2012 Annual Report.
 303 “Domestic Violence Against Women and Girls”, Innocenti Digest, No. 6, June 2000, published by UNICEF, <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>.
 304 Ibid.
 305 G. A.Tinker, *Improving Women’s Health in Pakistan*, (Karachi: World Bank, 1999).

The results are clear and encouraging. The data shows that an overwhelming majority of respondents, 90%, believed that physical abuse encompasses domestic violence. Large numbers of respondents also believed that mental abuse (79.7%), verbal abuse (79.3%) and economic abuse (71.7%) are forms of domestic violence.

Victims of domestic violence

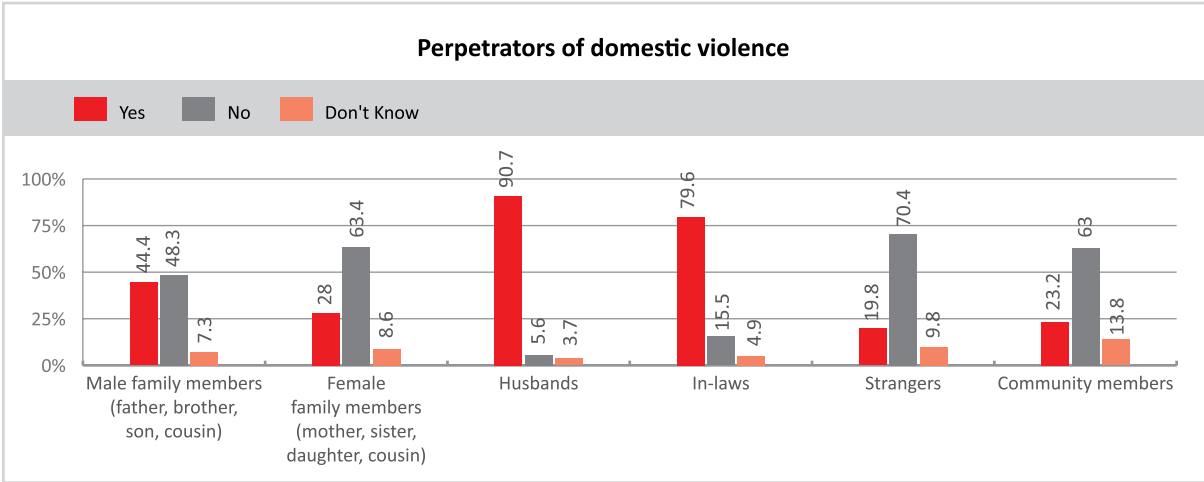
Respondents were asked to identify the victims of domestic violence according to their own understanding.

The findings are consistent with the global perception of domestic violence, as 82.5% of the respondents believed that women are usually victims of domestic violence, whereas a minor percentage of the respondents, 14.9%, opined that men and women are both victims. Surprisingly, a mere 0.6% identified men only as victims of domestic violence.



Perpetrators of domestic violence

The survey respondents were asked to share their opinion on the perpetrators of domestic violence. The results are alarming. An overwhelming majority, 90.7%, believed that husbands are generally the perpetrators of domestic violence.

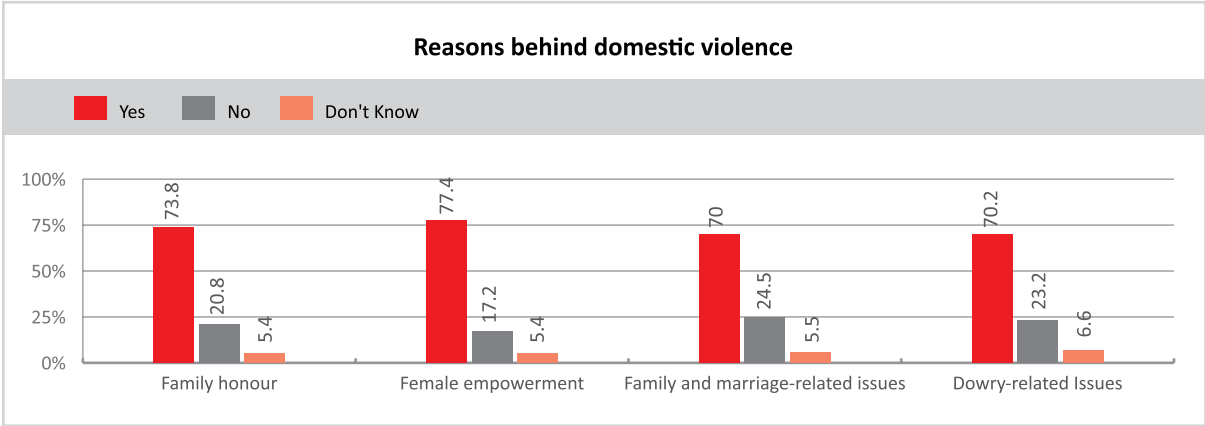


Another majority group of respondents identified in-laws as the perpetrators of domestic violence. Male family members (father, brother, son, cousin) were identified by 44.4% of respondents as perpetrators, followed by 28.0% who identified female family members (mother, sister, daughter, cousin). 23.2% of respondents identified community members, and 19.8% believed that strangers are the perpetrators of domestic violence.

Reasons behind domestic violence

Respondents were also asked to share their views of the reasons for domestic violence through a multiple-choice question.

The data indicates the respondents believed that the main reasons behind domestic violence include family honour (73.8%), female empowerment (77.4%), family and marriage-related issues (70%) and dowry-related issues (70.2%). A small percentage were not able to answer this question.





ACCESS TO
JUSTICE

CHAPTER **6**

ACCESS TO JUSTICE

Formal and Informal Justice Mechanisms in Pakistan

This chapter briefly introduces formal and informal justice mechanisms in Pakistan and their distinguishing features. It also documents survey respondents' awareness of the formal and informal justice institutions in their respective provinces. It then investigates the type of justice mechanisms approached by the general public in cases of honour crimes. Lastly, the efficiency and impartiality of these systems is evaluated based on the experience and perception of the sampled population.

The formal justice system of Pakistan

The judicial structure in Pakistan is derived from the Code of Civil Procedure (CPC) (1908) and the West Pakistan Civil Courts Ordinance II (1962).³⁰⁶ However, the formal court system has evolved to meet the demands of changing circumstances; one of the latest changes was the addition of the Nizam-e-Adl courts as part of the conflict resolution in Malakand in 2009.³⁰⁷

Under the West Pakistan Civil Courts Ordinance (1962), the power to determine the class and jurisdiction of civil judges lies with the relevant High Court.³⁰⁸ The courts' structure of Pakistan, in descending order, is as follows:

- A. Supreme Court of Pakistan (seated in the federal capital, Islamabad)
- B. Federal *Shariat* Court
- C. High Court(s) of Pakistan (provincial and federal level)
- D. District and Sessions Courts (district level)
- E. Civil Judge/Judicial Magistrate Courts; these deal with purely civil matters except as empowered under Section 30 of the Code of Criminal Procedure (CrPC) (1898), to hear criminal matters.
- F. Special Courts

Supreme Court of Pakistan (SCP)

The Supreme Court of Pakistan (SCP) is the premier court of the country; it has the final authority in all legal and constitutional matters.³⁰⁹ It is comprised of a Chief Justice and 16 permanent judges.³¹⁰ It has a permanent seat

306 Faqir Hussain, op. cit.

307 Naveed A. Shinwari and Neha Gauhar, op. cit.

308 Faqir Hussain, op. cit.

309 PLD 2001, S.C. 607, Constitution of the Islamic Republic of Pakistan (1973).

310 M. Mahmood, Constitution of Islamic Republic of Pakistan (1973), as amended by the Constitution (Eighteenth Amendment) Act (2010), p. 601.

in Islamabad, with Branch Registries in the capital of each province at Lahore, Peshawar, Quetta and Karachi.³¹¹

Justices of the Supreme Court are supervised by the Supreme Judicial Council, and derive their authority from Articles 176 to Article 191 of the Constitution of the Islamic Republic of Pakistan (1973), which explain the functions and powers of the court. The Supreme Court has original jurisdiction in disputes involving the federal or provincial governments under Article 184; it will exercise original jurisdiction while enforcing fundamental rights, but only when a question of “public importance” is involved.³¹² The SCP under Article 185 exercises appellate jurisdiction in civil and criminal matters, while Article 186 provides scope for advisory jurisdiction while extending advice to government in legal matters.

Federal Shariat Court (FSC) of Pakistan:The Federal *Shariat* Court (FSC) of Pakistan was established under a Presidential Order in 1980.³¹³ The rationale for its establishment is to scrutinise all laws within the country in order to ascertain whether they are in line with Islamic values as expressed in the Holy Quran and Sunnah.³¹⁴ The FSC is comprised of eight Muslim judges including the Chief Justice.³¹⁵ Among the judges at least three must be Islamic Scholars (*ulema*) who are well versed in Islamic law.³¹⁶ The decisions of the FSC are binding on all the High Courts and other subordinate courts.³¹⁷ The Supreme Court also has a *Shariat* Appellate Bench, which has the power to review decisions of the FSC.³¹⁸

High Courts of Pakistan

There is one High Court in each province as well as one in the federal capital of Islamabad.³¹⁹ They are as follows:

1. Lahore High Court, Lahore, Punjab
2. Sindh High Court, Karachi, Sindh
3. Peshawar High Court, Peshawar, Khyber Pakhtunkhwa
4. Balochistan High Court, Quetta, Balochistan
5. Islamabad (Federal) High Court, Islamabad

The High Courts are the appellate forums for all civil and criminal cases within the territorial limits of each respective province.³²⁰ Articles 192 to 203 of the constitution of the Islamic Republic of Pakistan 1973 provide for the functions and powers of the High Courts in Pakistan. Under the constitution, any particular High Court will exercise both its original and appellate jurisdiction under Article 199 for the enforcement of fundamental rights and review of judgments/orders of the subordinate courts in civil and criminal disputes.

311 Faqir Hussain, op. cit.

312 Ibid.

313 Ibid.

314 Article 203D, Constitution of the Islamic Republic of Pakistan (1973).

315 Article 203C, Constitution of the Islamic Republic of Pakistan (1973).

316 Article 203C, Constitution of the Islamic Republic of Pakistan (1973).

317 Faqir Hussain, op. cit.

318 Ibid.

319 Ibid.

320 Ibid.



District and Session Courts of Pakistan

The District and Session Courts are functional in every district of each province, with civil jurisdiction under West Pakistan Civil Court Ordinance (1962) and criminal jurisdiction under Code of Criminal Procedure (CrPC) (1898).³²¹

In each district headquarter there are numerous Additional District and Session Judges who usually head the courts. A District and Session Judge has both executive and judicial power all over the district within his jurisdiction.³²² The Session Court is also a trial court for severe criminal offences such as murder, rape, armed robbery and others where specific amount of gold or cash is involved. It also serves as an appellate court for civil suits of lesser value.³²³

All towns and cities of Pakistan now have a separate Additional District court and a Session Judge; they all have equal authority within their respective jurisdiction. When hearing criminal cases, it is known as the Session Court, while adjudicating upon civil cases, it becomes the District Court.³²⁴

The High Court exercises appellate jurisdiction over the lower courts in each province, and, in turn, the Supreme Court of Pakistan has authority and appellate jurisdiction over the decisions of High Court.³²⁵

Civil Judge and Judicial Magistrate Courts

There are multiple Civil and Judicial Magistrates' Courts in every *tehsil* and district.³²⁶ A Magistrate under the powers of Section 30, CrPC, has the authority to hear criminal cases, excluding those cases that would involve the death penalty as punishment, for example, attempted murder, banditry, robbery, extortion, etc.³²⁷

In relation to awarding penalties, the Magistrates' Courts can only award a punishment of up to seven years' imprisonment.³²⁸ Where imprisonment is deemed to be more than seven years, that particular case must then be referred to a higher court.³²⁹ Each Judicial Magistrates' Court is also given a jurisdiction, normally covering one or more police stations of any particular locality.³³⁰

Special Courts

In addition to the above-mentioned courts there are some Special Courts or Tribunals and Boards that deal with specialised cases that require certain expertise for resolution.³³¹

These include the banking/consumer courts; anti-corruption, anti-terrorism, and anti-narcotics courts; family courts and special magistrate courts (seated at the District/Session Courts); Labour Relations Courts; Juvenile Courts; numerous tribunals which include the services tribunal, and Income Tax Tribunals; and, the Federal Board of Revenue (FBR).

321 Ibid.

322 Ibid.

323 Ibid.

324 Ibid.

325 Ibid.

326 Section 30, Code of Criminal Procedure (1898).

327 Ibid.

328 Ibid.

329 Ibid.

330 Ibid.

331 Faqir Hussain, op. cit.

Nizam-e-Adl in Malakand

One of the most recent additions to the formal courts system in Pakistan has been the Nizam-e-Adl. The Nizam-e-Adl is a special mechanism for justice that came about as part of the negotiations to establish a settlement to the civil war in the Swat valley that ended in 2009. Malakand has been part of Provincially Administered Tribal Areas (PATA) since 2007. It had previously been a Tribal Area known as the Malakand Protected Area, part of the Malakand Agency of PATA. From 1970 to 2000 the district was part of Malakand Division, and as part of PATA had the other systems of justice described above. As a means to end the civil war of the mid-2000s the government of Pakistan negotiated a ceasefire by agreeing, in part, to establish *shariah*-based courts. In 2009 these courts were established after legislative approval of the presidential proposal.

Human Rights Commission of Pakistan

Eminent human rights activists set up the Human Rights Commission of Pakistan (HRCP) in 1987. It is not associated or affiliated with the government or any political party. It is mandated to spread awareness human rights among the people, mobilise public opinion, collect information and disseminate knowledge on human rights abuses, and to monitor and defend human rights in Pakistan. HRCP also operates a Complaints Cell where individuals can call to lodge a complaint. HRCP has branches all over the country, including some in FATA and the Frontier Regions.³³²

Dar-ul-Aman

The government runs shelters for women who have fled their homes in fear of violence. These institutions offer medical treatment, psychological therapy, vocational training, and legal assistance to the aggrieved women.

Informal justice mechanisms (community-based mediation)

Traditional or informal systems of law include a variety of institutions of conflict resolution and relate to social practices distinct from the formal legal system. These informal instruments include traditional, tribal, customary and religious normative frameworks of mechanisms. Traditional or religious authorities, elders or other respected community members generally lead decision-making in informal justice systems. In the context of Pakistan, legal pluralism derives from community-based mediation which includes the Pakhtun *Jirga* system in Khyber Pakhtunkhwa and FATA; the Baloch *Jirga* in Balochistan; the *panchayats* in Punjab; and the *faisalo* in Sindh. These non-state bodies have been prevalent for centuries in rural and urban areas of Pakistan.

Under article 247 of the constitution of Pakistan the jurisdiction of the higher judiciary (High Court and Supreme Court) does not extend to the designated Federal and Provincial Administered Tribal Areas, which have their own legal and judicial regime based on tribal adjudication.³³³ This legal distinction encourages recourse to informal mechanisms for resolution of criminal and civil disputes. *Sarkari Jirga* in FATA is the only formally institutionalised informal dispute settlement mechanism under the Frontier Crimes Regulation (FCR).³³⁴ However, community-based traditional systems are in place *de facto* all over the nation, even though informal systems

332 Human Rights Commission of Pakistan (HRCP), <http://hrcp-web.org/hrcpweb/>.

333 Under Article 246 of the Constitution of Pakistan (1973) FATA includes seven districts or agencies: South Waziristan Agency, North Waziristan Agency, Kurram Agency, Orakzai Agency, Khyber Agency, Mohmand Agency and Bajaur Agency. For a detailed discussion see also the case of Government of NWFP Through Chief Secretary and another v Muhammad Irshad and 3 others, PLD 1995 SC 281.

334 Zafar Hussain, *Manual of Jirga Laws in Pakistan*, 2005, p. 6.



have been explicitly banned by the legislative body from practicing outside designated areas by the System of Sardari (Abolition) Act (1976). The Sukkur Bench of the Sindh High Court has also banned the holding of *jirgas* throughout the province.³³⁵

The reliance of the population on this system of parallel justice is reinforced by the ineffectiveness and lack of faith in the formal justice system. Informal systems often play a vital role in cultures where formal legal institutions fail to provide effective remedies for large segments of the population or when formal institutions are perceived as inherited from western cultures, corrupt or ineffective. The difficulty of access to formal justice can be attributed to its time-consuming nature, the cost of lawyers and court fees and the unavailability of legal aid, and inaccessibility for the rural population because of the long distances from the urban centres. According to a survey conducted by CAMP in 2012, 68.5% of respondents from Khyber Pakhtunkhwa and Balochistan believed that *jirgas* effectively resolved disputes.³³⁶

The patriarchal values of Pakistani society embedded in the local traditions and culture exclude the voices of marginalised sections of society from the informal justice system. Traditionally women are represented by their male relatives and are not allowed to have direct participation in the traditional justice systems.³³⁷ Therefore, in disputes involving women that infringe upon their fundamental rights, their fate is dependent on the decisions of village elders and male members of their family.³³⁸ Bigoted local traditions have deprived women, ethnic and religious minorities and children of their fundamental human rights.³³⁹ Although honour-related disputes are widespread in Pakistan and honour, particularly of women, is among the most common factors in crimes, such cases are often not reported to the media or the police.³⁴⁰ For that reason, the local population prefers the informal system to resolve honour-related disputes such as violence against women, marital disputes, divorce and child custody cases.³⁴¹

The following section examines the awareness of the local population regarding state and non-state actors and the role they play in their respective provinces and communities. The key informants of the study from urban areas acknowledged the existence of the high court and the lower session courts, the Human Rights Commission, the informal justice system, women's shelters and the police administration.³⁴² On the other hand, it was observed that key informants from rural regions, despite having knowledge of various institutions, identified the dominant presence of the informal justice system and the police.³⁴³

Awareness of institutions

To identify the level of awareness of justice systems (formal/informal) throughout Pakistan, the respondents were asked to identify institutions and actors they were aware of. In relation to formal instruments, the results listed in the figure above show that an overwhelming majority of the sample were aware of the district administration and the police in all four provinces; 96.5% in Balochistan, 92.5% in Khyber Pakhtunkhwa, 97.3% in Punjab and 98.1% in Sindh.

335 *Daily Times*, http://www.dailytimes.com.pk/default.asp?page=story_25-4-2004_pg7_42.

336 Naveed A. Shinwari and Neha Gauhar, op. cit.

337 In-depth interview with I. A. Rehman, director, HRCP, Lahore, 20 August 2013.

338 In-depth interview with Hina Jilani, women's rights activist and director, HRCP Lahore, 20 August 2013.

339 In-depth interview with barrister Shahid Jamil, Karachi, 25 August 2013.

340 In-depth interview with Mahnaz Rahman, resident director, Aurat Foundation, Karachi, 25 August 2013.

341 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

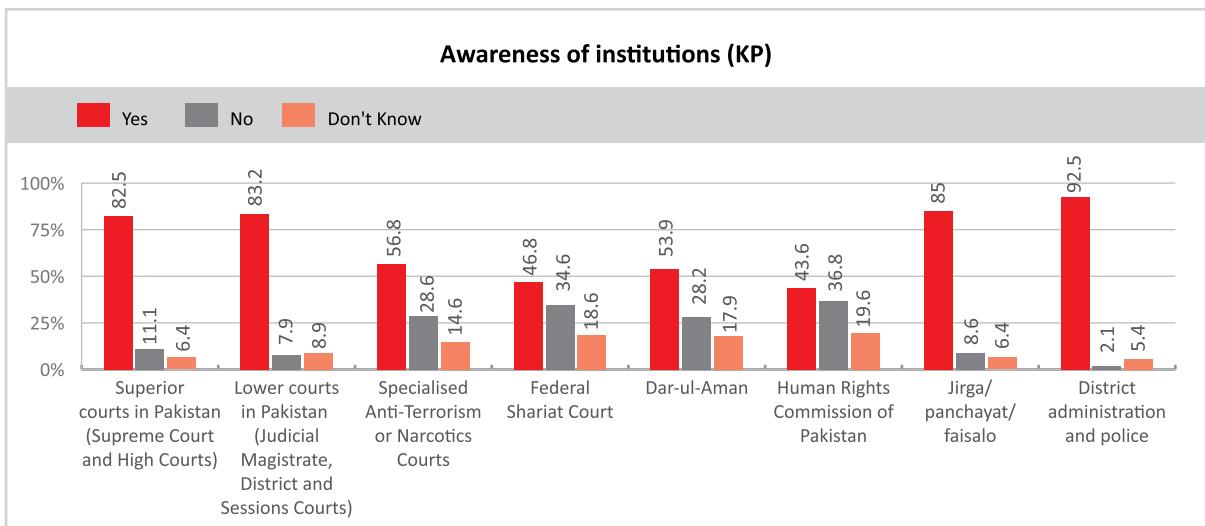
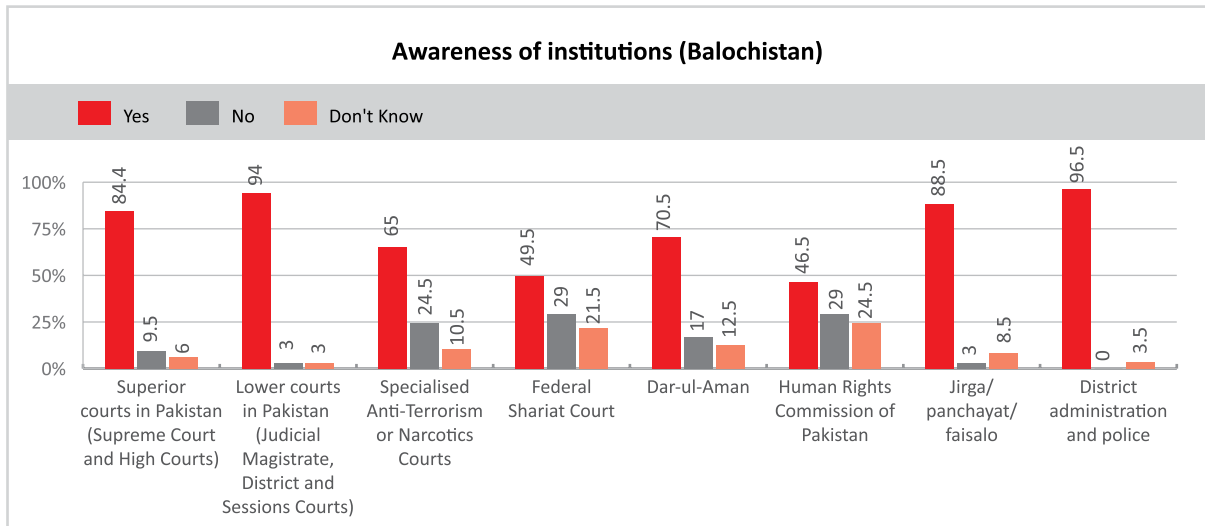
342 Ibid.

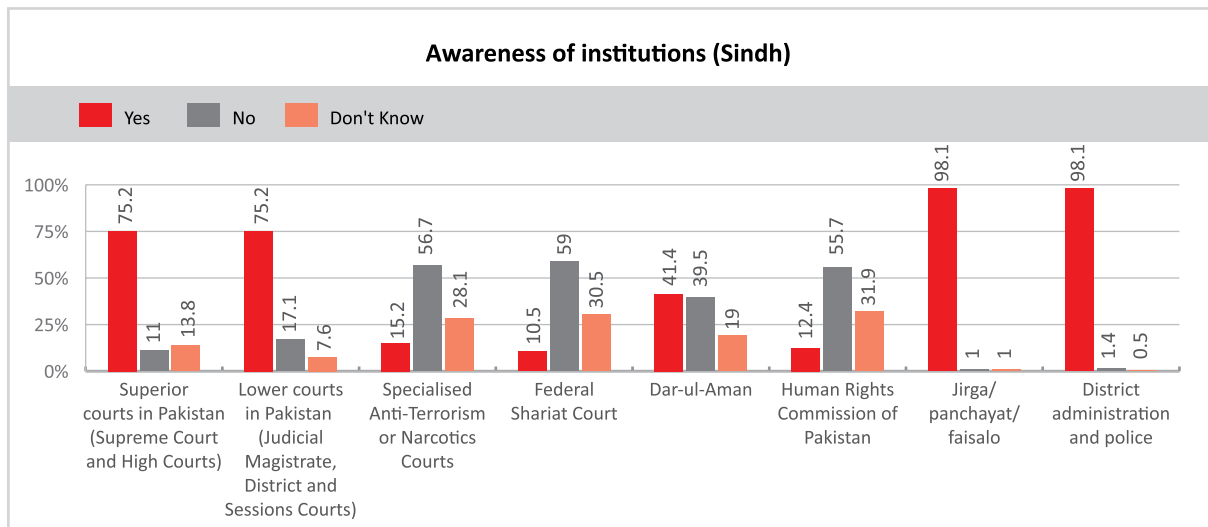
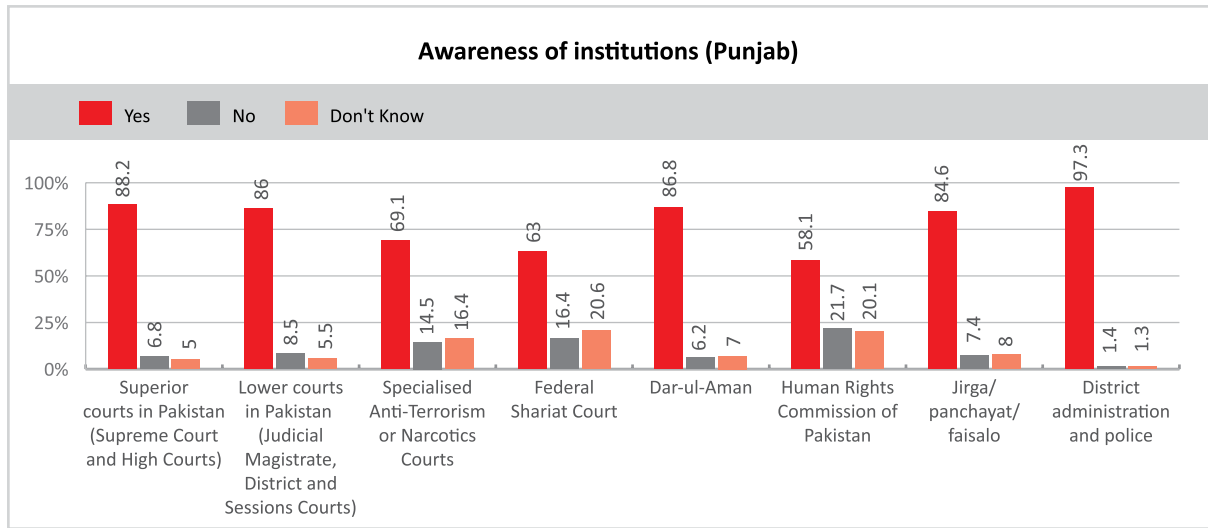
343 Ibid.

Lower courts in Pakistan, which include the Judicial Magistrate, District and Session Courts, were the third major formal institution identified by the sampled respondents. A slight difference in percentages was identified between the provinces; Balochistan (94%), Khyber Pakhtunkhwa (83.2%), Punjab (86%) and Sindh (75.2%).

Similarly, the respondents confirmed their knowledge of superior courts in Pakistan, which include the Supreme Court and the High Courts. There was no significant variation between the results in Balochistan (84.4%), Khyber Pakhtunkhwa (82.5%) and Punjab (88.2%), whereas the result in Sindh (75.2%) was marginally lower.

The Federal *Shariat* Court was also identified by respondents in Balochistan (49.5%), Khyber Pakhtunkhwa (46.8%), Punjab (63.%) and Sindh (10.5%). More than half of the respondents in Balochistan (65%), Khyber Pakhtunkhwa (56.8%) and Punjab (69.1%) had knowledge of the Specialised Anti-Terrorism Courts, while in Sindh only 15.2% were aware of these courts.





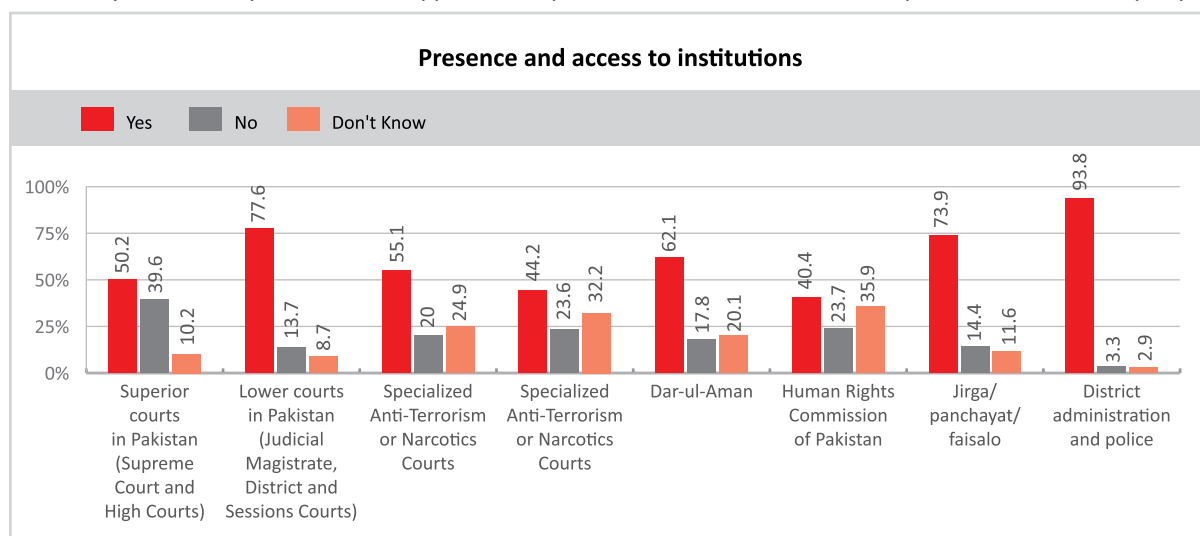
Other formal institutions, including the Dar-ul-Aman and Human Rights Commission of Pakistan were relatively less known to the respondents. 70.5% of respondents in Balochistan, 53.9% in Khyber Pakhtunkhwa, 86.8% in Punjab and 41.4% in Sindh were aware of the shelters managed by the government for women (Dar-ul-Aman). 46.5% of respondents in Balochistan, 43.6% in Khyber Pakhtunkhwa, 58.1% in Punjab and only 12.4% in Sindh said that they were aware of the Human Rights Commission of Pakistan.

Compared to the formal institutions, the popularity and presence of informal justice mechanisms is evident from the results. Respondents were asked if they were aware of informal justice systems, which includes the Pakhtun Jirga, *panchayat*, *faisalo* and Baloch Jirga. A high percentage of respondents in Balochistan (88.5%), Khyber Pakhtunkhwa (85%), Punjab (84.6%) and Sindh (98.1%) confirmed that they were aware of these informal justice systems.

Presence and access to institutions

The survey also aimed to find out about the existence of various formal and informal systems in respondents' localities, which will help analyse how easily the population can access these systems.

According to the survey results, unsurprisingly, a higher number of respondents identified the presence of district administration and police (93.8%), followed by lower courts (77.6%) and superior courts (50.2%). Furthermore, respondents also identified the existence of other formal institutions in their communities, including Specialised Anti-Terrorism or Narcotics Courts (55.1%), Federal *Shariat* Court (44.2%), Dar-ul-Aman (62.1%) and the Human Rights Commission of Pakistan (40.4%). 73.9% confirmed the presence of informal justice systems (Pakhtun Jirga, *panchayat*, *faisalo* and Baloch Jirga) in their provinces. People seem to be more aware of the existence of police and administration for obvious reasons. In all criminal and civil cases, whether they end up being decided by the formal or informal systems, both parties have to approach the police and administration to exert pressure on the other party.³⁴⁴



Types of crime

We will now examine respondents' perception of the types of honour crime (discussed in chapter 4) that are committed in Pakistan. This section will include an analysis of CAMP's secondary data on honour crimes during the first six months of 2013. The incidents of these crimes in each province will be analysed according to the nature of the crime and the gender of the victim. It will conclude with an assessment of the respondents' perception about the efficiency and fairness of formal and informal justice mechanisms in dealing with crimes of honour.

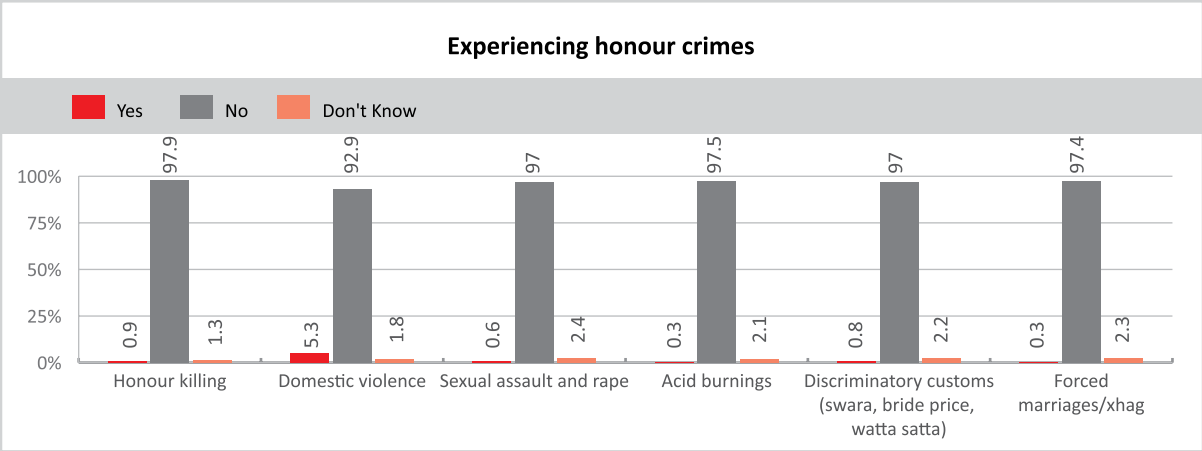
Experiencing honour crimes

The respondents were first asked if they or any of their family members had been victims of any type of honour crime in the past. It must be kept in mind that crimes of honour are considered a social taboo and are not generally spoken about or reported. According to the cross-tabulation of the statistical data by gender, 19 respondents (11

344 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

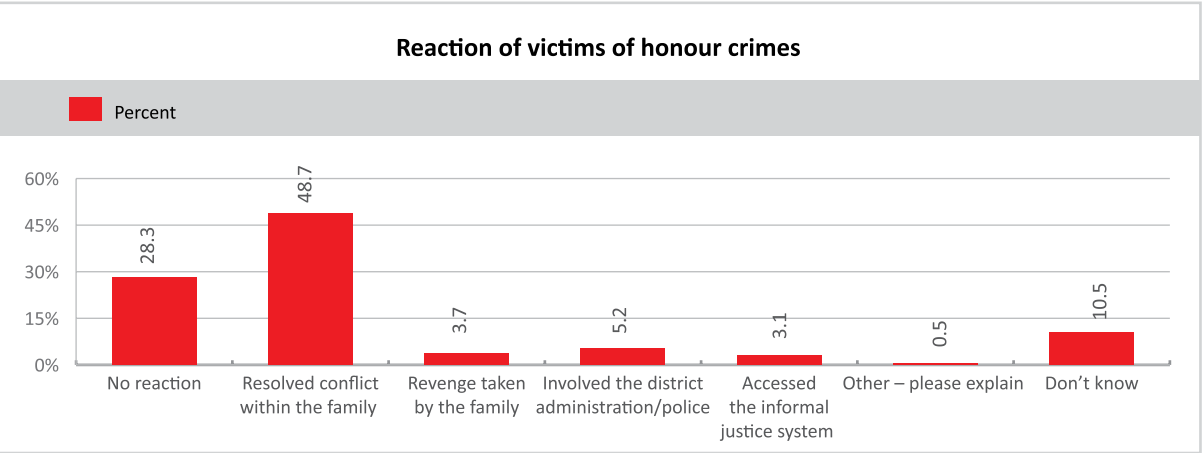


females and 8 males) were victims of honour killings, 114 respondents (100 females and 14 males) were victims of domestic violence, 18 respondents (10 females and 8 males) were victims of sexual violence, 7 respondents (all females) were victims of acid burnings, 17 (12 females and 5 males) respondents were victims of discriminatory customary practices and lastly 7 respondents (4 females and 3 males) were victims of forced marriages.



Reaction of victims of honour crimes

The respondents’ reaction to cases of honour crimes is self-explanatory. Out of 191 cases, 93 were resolved within the family, while 54 cases were left without reaction. In just 10 cases the victims or their families involved the police and administration. In seven cases, the victims resorted to retaliation against the perpetrators and took revenge. Interestingly, only six cases were resolved through informal justice systems.

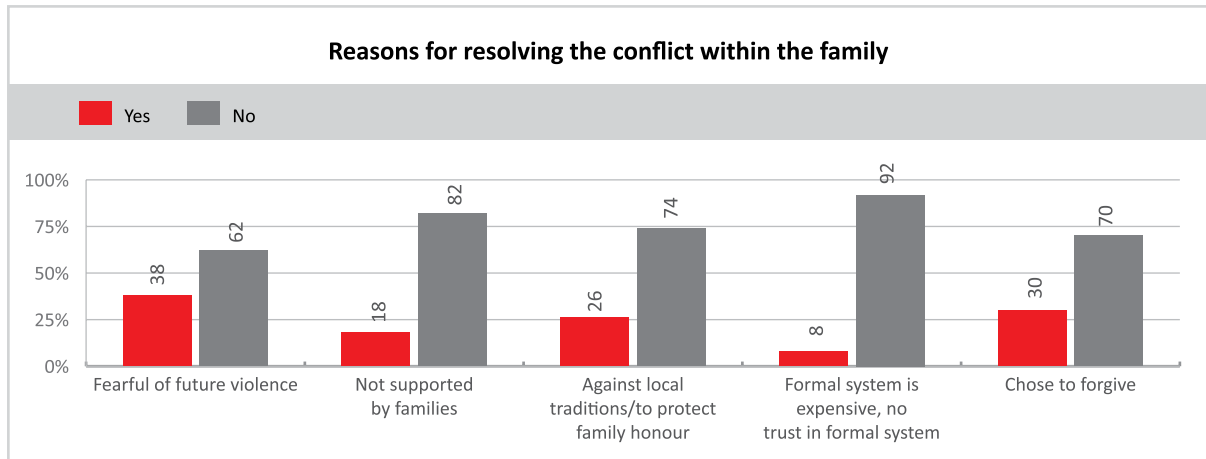


The cross-tabulation of data in the figure above shows that most respondents, 48.7%, chose to resolve their conflict within their families, followed by 28.3% respondents who chose not to react at all, and 5.2% who chose to involve the district administration/police. Some 3.7% of victims’ families decided to take revenge, followed by 3.1% who turned to the informal justice system. The data shows the reluctance of victims and their families

to use the formal justice system, as they prefer to resolve honour-related disputes behind closed doors, away from the eyes of the media.

Reasons for resolving the conflict within the family

Respondents who answered in the previous question that they chose not to react were asked an additional question about the reasons behind their decision not to react.



The figure above shows that 38% of the respondents were fearful of future violence and 30% chose to forgive their perpetrator. A quarter of respondents (26%) did not want to go against their local traditions and wanted to protect their family's honour. 18% were not supported by their families to access either formal or informal justice, while 8% decided to stay quiet as they couldn't afford the formal system or had no trust in it.

Respondents who chose to resolve the conflict within their family were further asked to share the reason behind their decision.

The survey results show that an overwhelming majority, 83.5%, wanted to protect their family honour, whereas 17.4% said that they were fearful of further violence. Interestingly, 42% chose to forgive their perpetrator and 7.8% did not want to go against their local traditions.

This was further elaborated in the key informant interviews, where respondents explained that many victims and their families chose to remain silent due to the corruption and cost of the formal justice system.³⁴⁵ Some respondents also blamed fear of further violence, social injustice and insecurity.³⁴⁶ Some of the key informants were in favour of honour crimes being resolved within the family, because then neither money nor time is wasted.³⁴⁷ It was added by another group of key informants that people chose not to react because they cannot afford the financial burden of court and lawyers' fees.³⁴⁸ Most of the respondents agreed that it is preferred that incidents of honour crimes do not surface in public in order to protect the victims and their family honour.

345 Kills in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

346 Ibid.

347 Ibid.

348 Ibid.

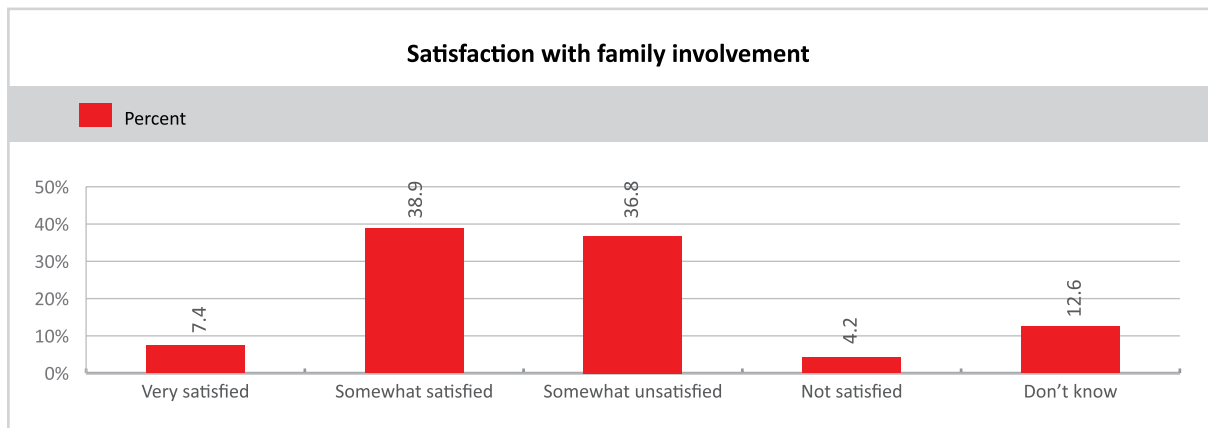




Satisfaction with family involvement

Respondents were asked about their level of satisfaction or dissatisfaction with the involvement of their family to adjudicate conflicts over crimes of honour.

The cross-tabulation of the data by gender shows that 42.9% of females were satisfied, including 6.4% who were very satisfied and 34.6% who were somewhat satisfied with their family's involvement, whereas 61.1% of males were satisfied, including 11.1% who were very satisfied and 50% who were somewhat satisfied. On the other hand, 46.8% of females were not satisfied, including 42.9% who were somewhat unsatisfied and 3.9% who were not satisfied. 16.7% of the males answered that they were unsatisfied, including 11.1% who were somewhat unsatisfied and 5.6% who were not satisfied. Responses to this question were mixed and do not lead us to any clear conclusion.

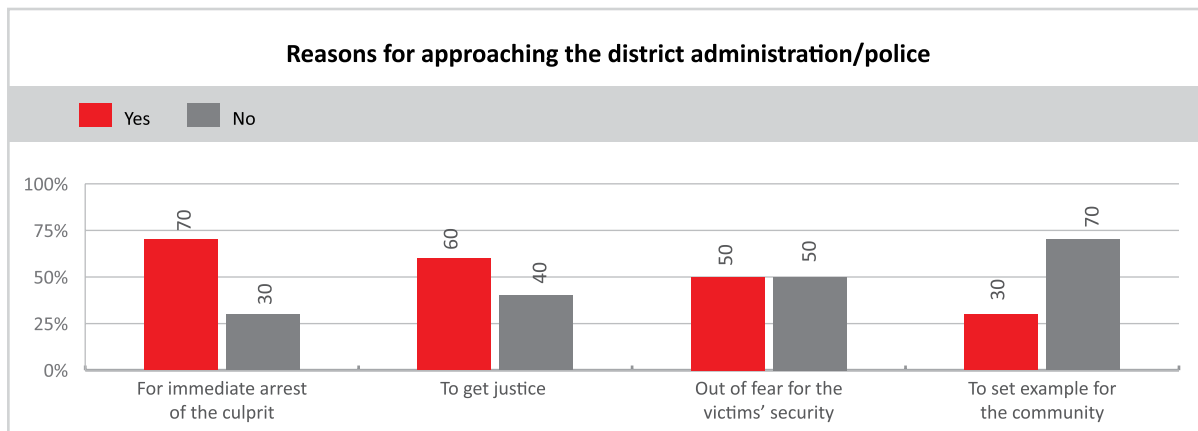


Reasons for approaching the district administration/police

Respondents who chose to approach the district administration or police were further asked to share reasons behind their decision.

Seven out of ten (70%) wanted the immediate arrest of the culprit, whereas 60% of the respondents wanted

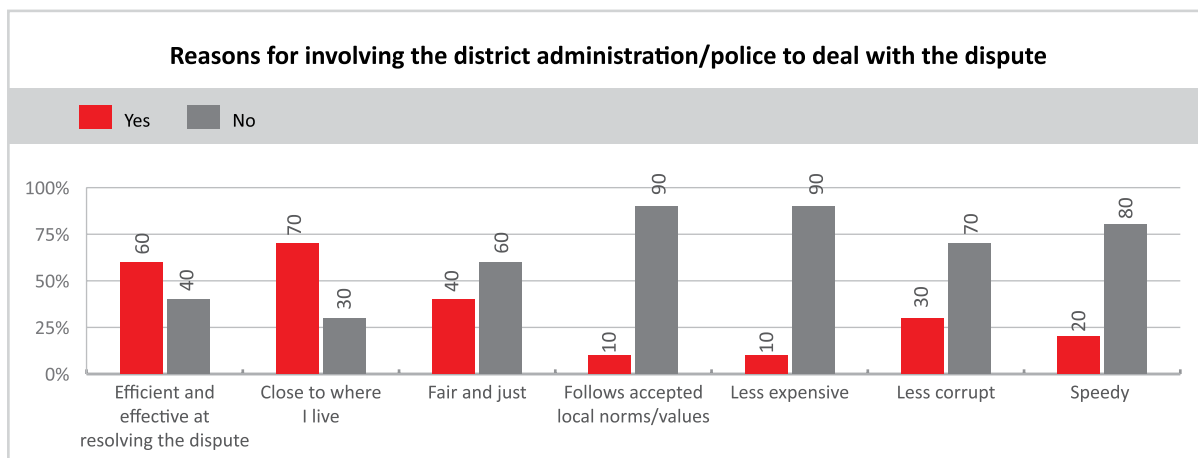
justice for the victims. Half of the respondents (50%) were fearful for the victims' security and 30% wanted to set an example for the community.



The responses of the key informants mirrored the survey results. Key informants opined that victims and their families are reluctant to take cases of honour crimes to the police due to corruption and their lack of trust in the state system. However, they still approach the district administration and the police out of fear for their security and to secure the detention of the accused so that he/she is unable to victimise others.³⁴⁹ One key informant, a policeman, was of the opinion that families were especially hesitant to approach the police when they suspect that a member of their family (daughter/sister/wife) has committed adultery.³⁵⁰ Consequently, many key informants believed that victims' families avoided the police and legal system out of fear of being insulted.³⁵¹

Reasons for involving the district administration/police to deal with the dispute

The reasons given by the respondents for involving the district administration or police to deal with the per-



349 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

350 Allah Ditta, key informant from Punjab.

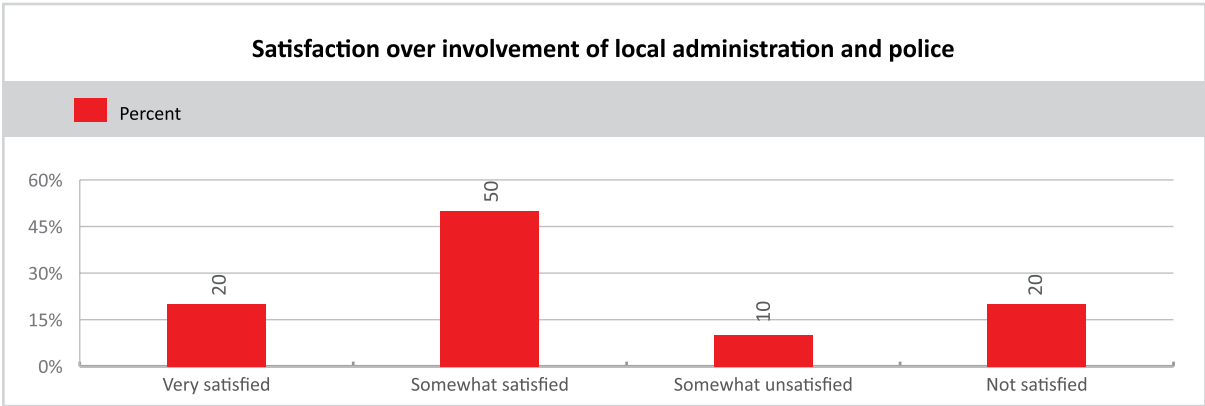
351 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.



petrators of honour crimes included the availability of police stations in the close vicinity of the victim’s home (70%), the efficiency and effectiveness of the police in arresting the criminal and resolving the case (60%), the fair and just nature of the police system (40%), the fact that the local police follows accepted norms and values of the community (10%), cost-effectiveness (10%), comparatively lower corruption (30%) and the speedy nature of the district administration and police system (20%).

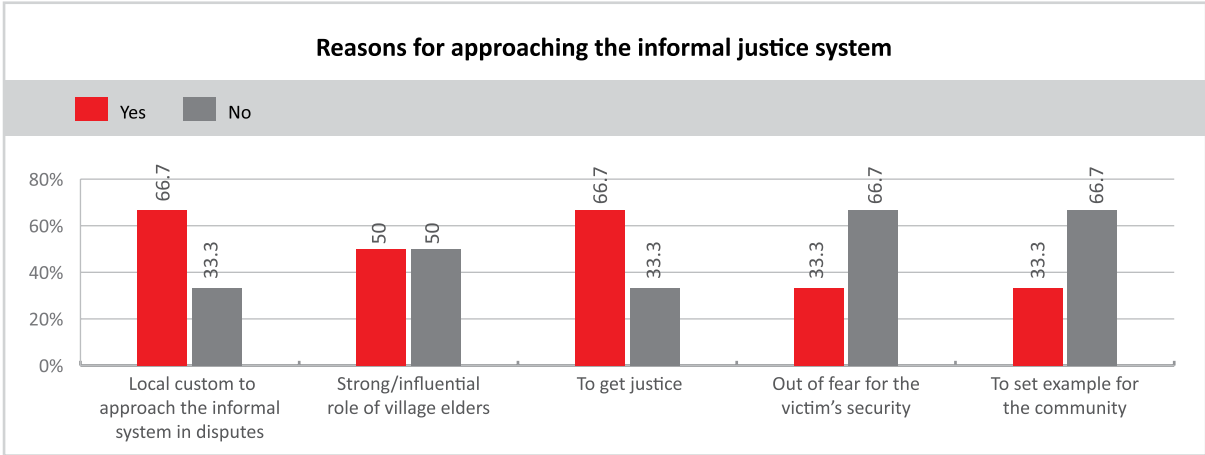
Satisfaction over involvement of local administration and police

The respondents were further asked to share their level of satisfaction/dissatisfaction with the involvement of the district administration/police in solving honour crimes. The experience of respondents dealing with the local administration and police is remarkable, as seven out of 10 expressed their satisfaction over the involvement of the local administration and police. After cross-tabulation by gender, we found that more females were satisfied compared to males – 75% of females and 50% of males were satisfied.



Reasons for approaching the informal justice system

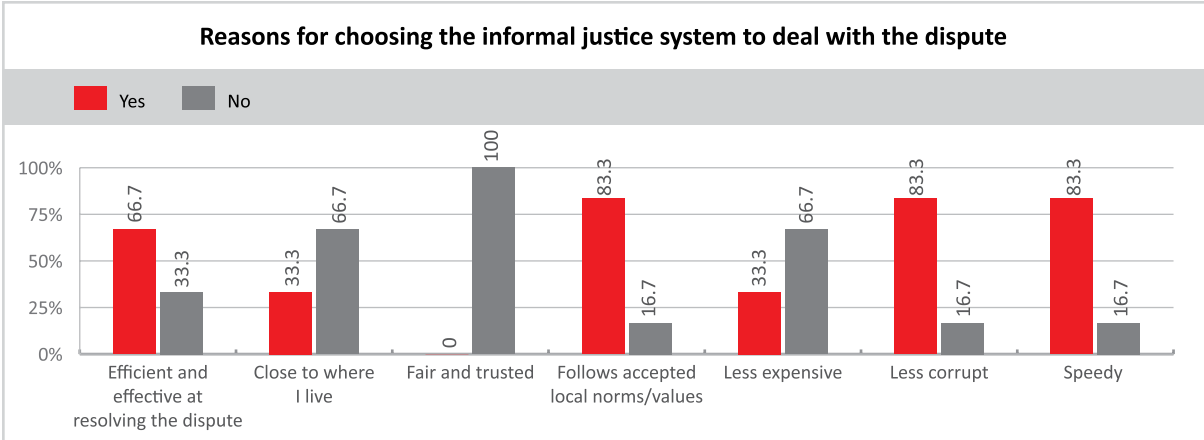
In order to know what had compelled the respondents to approach the informal justice system for dispute resolution, respondents were asked a multiple-option question.



A majority (66.7%) said that accessing traditional justice mechanisms is part of their local customs (66.7%). Half of the respondents (50.0%) identified the influential role of the village elders as a reason. Lastly, one third of the sampled population said that approaching the informal system was due to fear for the victim’s security. Some 33.3% wanted to set an example for the community.

Reasons for choosing the informal justice system to deal with the dispute

It is also vital to document respondents’ reasons for choosing the informal system to settle their dispute in order to compare this with the formal system. The results clearly indicate that a greater proportion of the respondents (83.3%) said that informal mechanisms follow accepted local norms and values, and are speedy and less corrupt compared to the formal state system. 66.7% believed that it was an efficient and effective method of resolving the dispute. Lastly, 33.3% were of the opinion that informal institutions are accessible as they exist in the vicinity of the victim’s home and are less expensive. It is surprising to note that the respondents did not view this system as fair and trusted, as none of them selected this option. The fact that this option was not chosen by even a single respondent could be an error, as in CAMP’s previous surveys the sampled population has shown greater trust in the informal justice systems in Pakistan.



In conformity with these results, key informants were of the view that the informal justice system provides low-cost and speedy justice to the victims.³⁵² Victims inevitably reach out to traditional institutions as they are comprised of representatives from their community who they trust.³⁵³ Furthermore, key informants added that locals can generally understand the complex facts of such cases better than outsiders, as they are familiar with the culture and norms of the area.³⁵⁴ Respondents also agreed that where the informal system is unable to convince the parties to reconcile, cases are generally taken to the formal judiciary.³⁵⁵

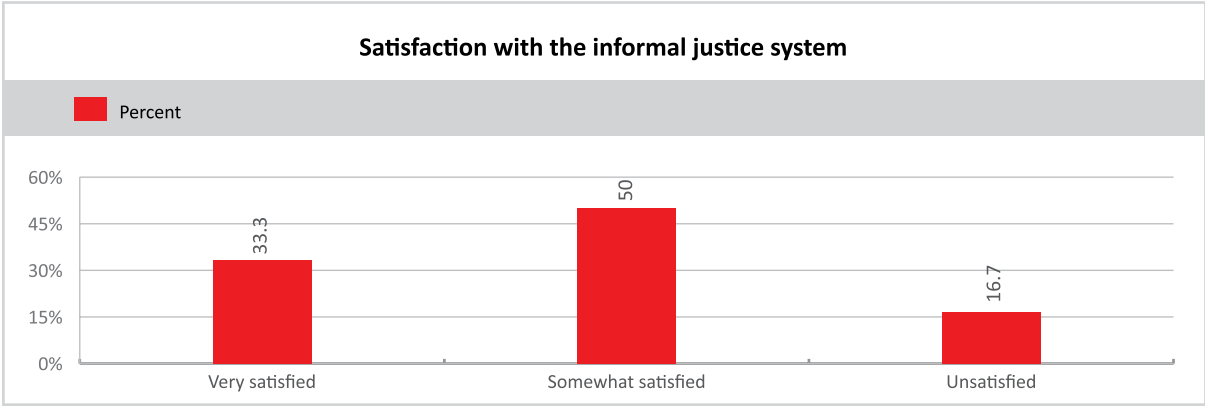
Satisfaction with the informal justice system

The survey documented levels of satisfaction with using the informal justice system to resolve disputes. Examining the results, it can be seen that an overwhelming majority of 83.3% was satisfied with the involvement of the

352 Kills in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.
 353 Ibid.
 354 Ibid.
 355 Ibid.



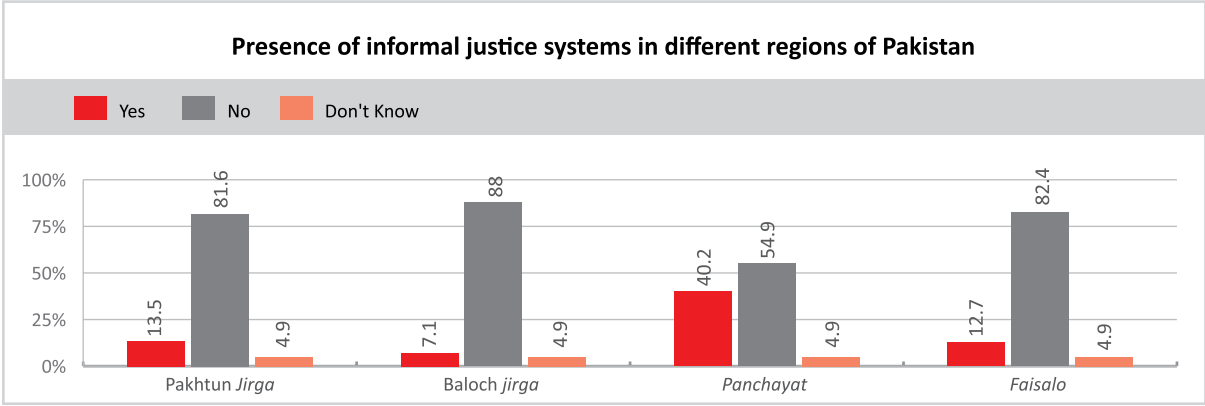
informal system, whereas only 16.7% were unsatisfied. This shows that despite the criticism they receive from civil society and international organisations, informal justice systems hold a high level of legitimacy with the public.



Presence of informal justice systems in different regions of Pakistan

The 2,140 respondents were asked to confirm which informal justice systems exist in their communities and regions.

The cross-tabulation of the data by province illustrates that the Pakhtun Jirga is present in Balochistan (26.6%), Khyber Pakhtunkhwa (89%) and Punjab (0.6%). The Baloch Jirga exists in Balochistan (83.2%) and Punjab (0.5%). The *panchayat* was present as a mechanism of dispute resolution in Balochistan (37.6%), Khyber Pakhtunkhwa (1.5%), Punjab (55.8%) and Sindh (1.1%). Lastly, respondents identified the presence of *faisalo* in Balochistan (50.3%), Punjab (0.1%), and Sindh (99.5%).

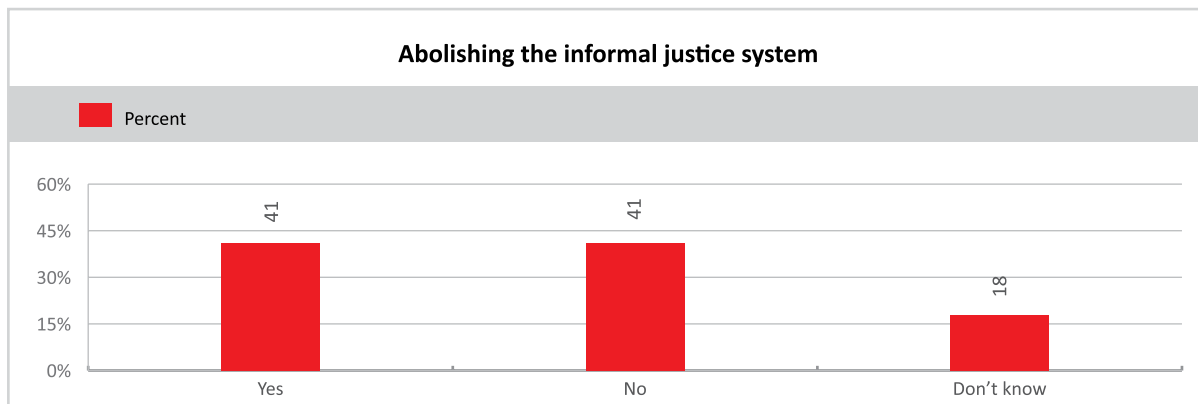


Results are surprising, especially for *panchayat* and *faisalo* – the former exists in Balochistan according to 37.6% of respondents, while the latter exists in Balochistan according to 50% of respondents.

Abolishing the informal justice system

To examine the legitimacy of the informal justice system among the public, the respondents were asked whether they thought this customary instrument should be abolished.

Surprisingly, the results are mixed and an equal number of respondents selected opposing opinions. Cross-tabulation by gender indicates that 42.5% of female and 39.4% of male respondents supported abolition, whereas 49.5% of male and 32.5% of female respondents disagreed with eliminating traditional justice mechanisms.



Similar results were found in the key informant interviews. Most of the respondents from urban areas supported the abolition of the informal justice system. In contrast, rural respondents accepted the faults in the centuries-old system and were not in favour of completely eliminating it, as it facilitates the resolution of countless disputes on a daily basis.³⁵⁶ However, many respondents suggested limiting the power of community elders and bringing reforms to traditional dispute resolution systems.³⁵⁷

Fairness and effectiveness of informal justice systems in dealing with cases of honour crime

The survey further investigated and evaluated the role played by informal justice systems in dealing with different types of honour crimes.

The survey data shows that a majority of respondents (56.3%) lacked trust in the fairness and effectiveness of informal justice systems when dealing with cases of honour crimes. Only one quarter of respondents expressed trust in their fairness and effectiveness.

A higher number of respondents (46.6%) disagreed with the notion that informal justice systems resolve cases of domestic violence fairly and effectively, compared to 3.61% who agreed with the notion.

On the sexual assault issue, a minority of the respondents, 23.2%, believed that the informal justice system resolved these cases effectively, while more than half, 53.6%, disagreed with this notion.

The survey reported that only 13.9% supported the resolution of cases of acid throwing by informal actors, while more than half of the sampled population, 63.9%, had the opposite opinion.

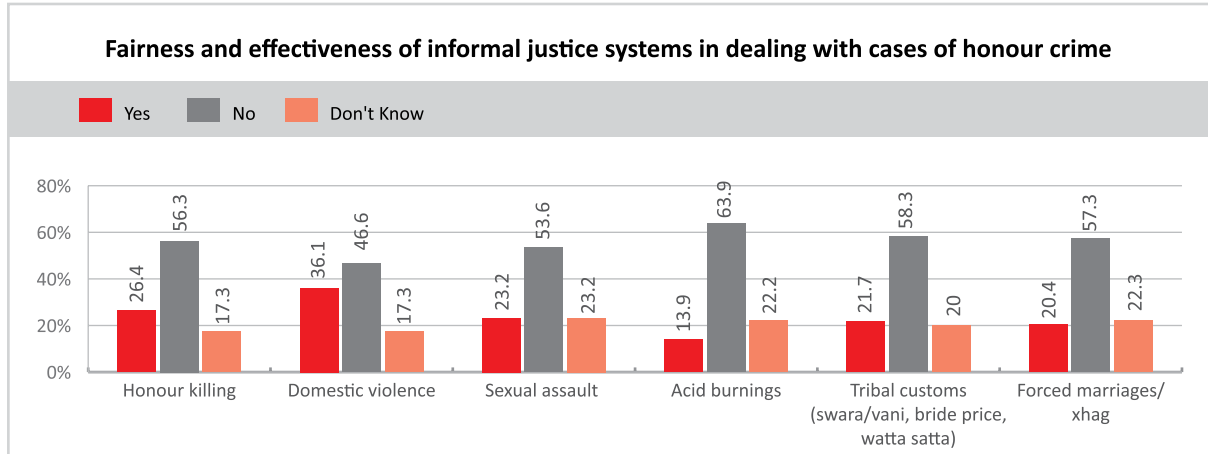
More than half of the respondents, 58.3% believed that the informal justice system was not qualified to resolve cases of discriminatory tribal customs, while 21.7% believed that it could settle such disputes fairly. Similarly, 20.4% accepted that the informal system can mediate effectively in cases of forced marriage while 57.3% disagreed with this notion.

356 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

357 Ibid.



The survey results are striking and support the hypothesis that the informal justice system is unable to deliver justice to the victims of honour crimes. In a way, the study reveals that cases of honour crimes actually result from the involvement of informal justice systems.



An artistic illustration of a woman wearing a dark headscarf, looking upwards with a distressed expression. Her hands are raised, with fingers spread, as if reaching out or pleading. The background is a mix of grey and white brushstrokes, with several other hand silhouettes scattered around her. A prominent red horizontal band is at the top of the image, containing the chapter title in white text.

IMPACT OF HONOUR CRIMES AND WAY FORWARD

CHAPTER **7**

IMPACT OF HONOUR CRIMES AND WAY FORWARD

This chapter presents an analysis of the respondents' perceptions on the causes, consequences and context of honour crimes in Pakistan. It provides a platform for local respondents to suggest culturally-sensitive recommendations for the elimination of the root causes of such crimes. CAMP believes that it is essential to involve local stakeholders in the reform process in order for it to be effective and accepted by all actors, including the community, policy-makers and civil society.

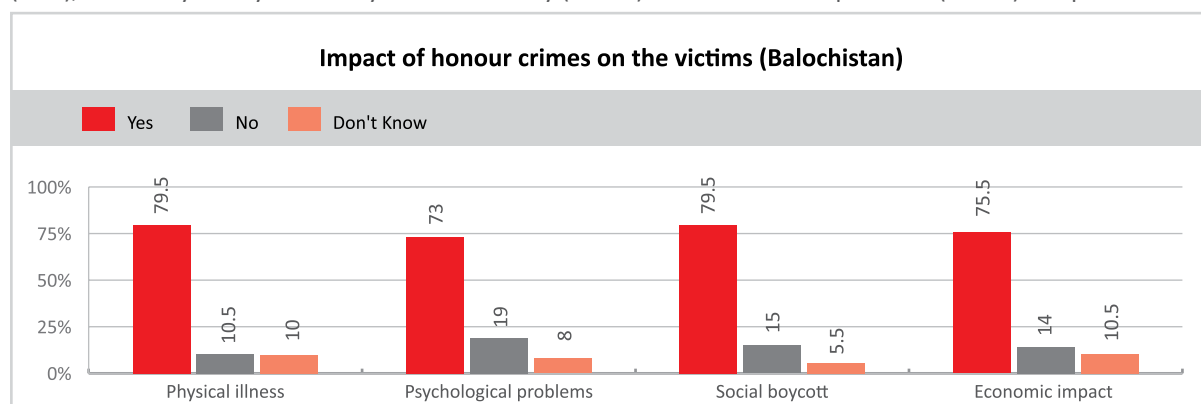
Impact of honour crimes

Honour crimes can have a myriad of devastating consequences on the victim's physical and mental health and wellbeing.³⁵⁸ In addition to the immediate impacts of violence, honour crimes affect the victim's overall quality of life and ultimately influence their participation in various aspects of life and society.³⁵⁹ Understanding the consequences of honour crimes is necessary in order to plan and implement measures to work towards eradication of these social ills from our society. This section examines research findings regarding the consequences honour crimes have on individual victims, their family members and those closest to them, and on society as a whole.

Most key informants were of the opinion that victims and their children, especially female victims are most affected by honour crimes.³⁶⁰ Several respondents said that the whole family of the victim suffers the consequences of the crime, including the spouse, children, parents, in-laws and relatives, and that ultimately honour crimes affect the whole community to an extent.

Impact of honour crimes on the victims

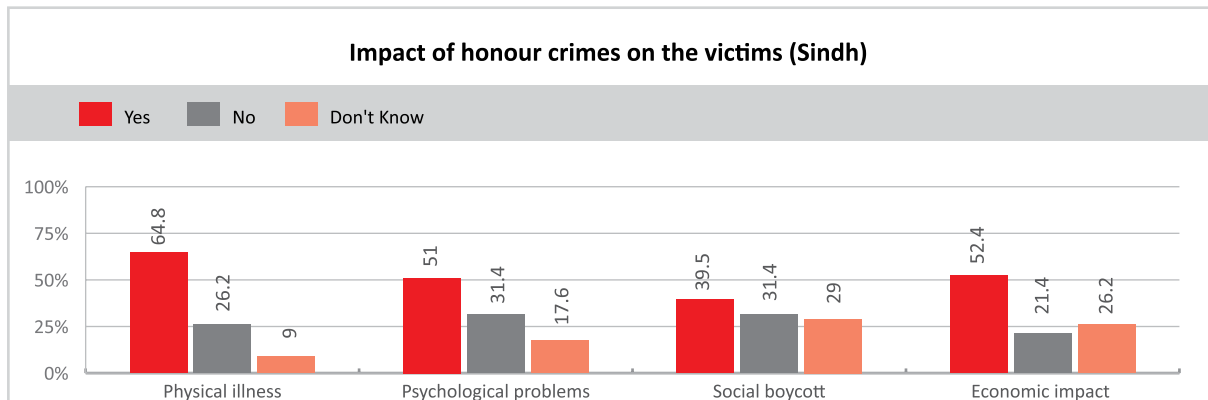
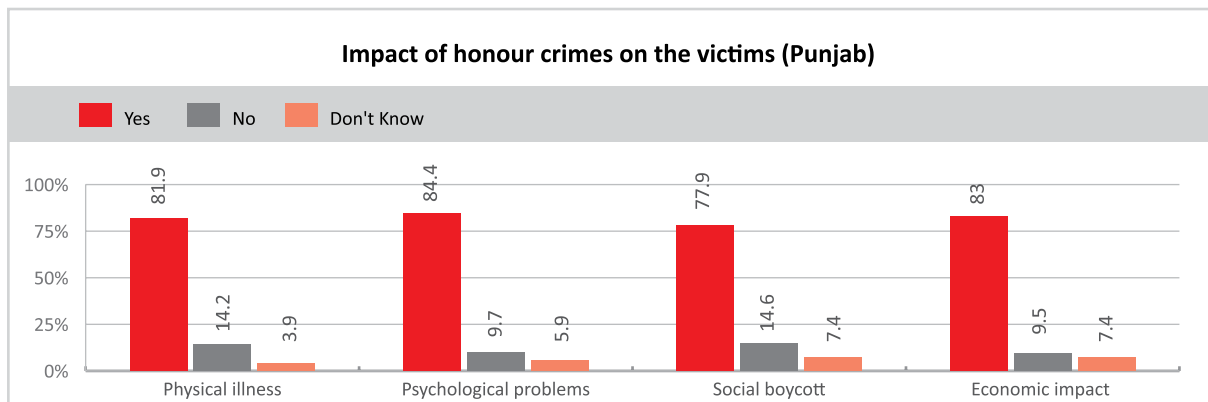
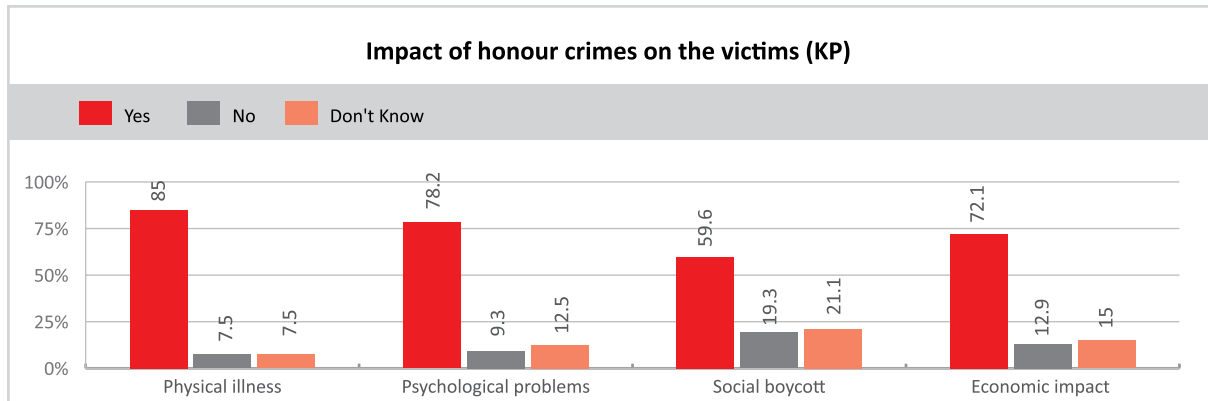
The figure above shows that the experience of being a victim of honour crime can elicit a range of effects. The cross-tabulation of the data by province shows a disparity in the results found in each province. In Balochistan, respondents said that victims of honour crimes suffer from physical illness (79.5%), psychological problems (73%), social boycott by the family and community (79.5%) and economic deprivation (75.5%). Respondents



358 In-depth interview with Hina Jilani, women's rights activist and director, HRCP, Lahore, 20 August 2013.

359 H. Johnson, N. Ollus and S. Nevala, *Violence Against Women: An International Perspective* (New York: Springer, 2008).

360 KIIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.



from Khyber Pakhtunkhwa found that victims experience physical illness (85%), psychological problems (78.2%), social boycott by family and community (59.6%) and economic deprivation (72.1%). In Sindh, respondents believed that honour crimes lead to physical illness (64.8%), psychological problems (51%), social boycott by family and community (39.5%) and economic deprivation (52.4%). Lastly, in Punjab respondents believed that crimes of honour result in physical illness (81.9%), psychological problems (84.4%), social boycott (77.9%) and economic deprivation (83%).

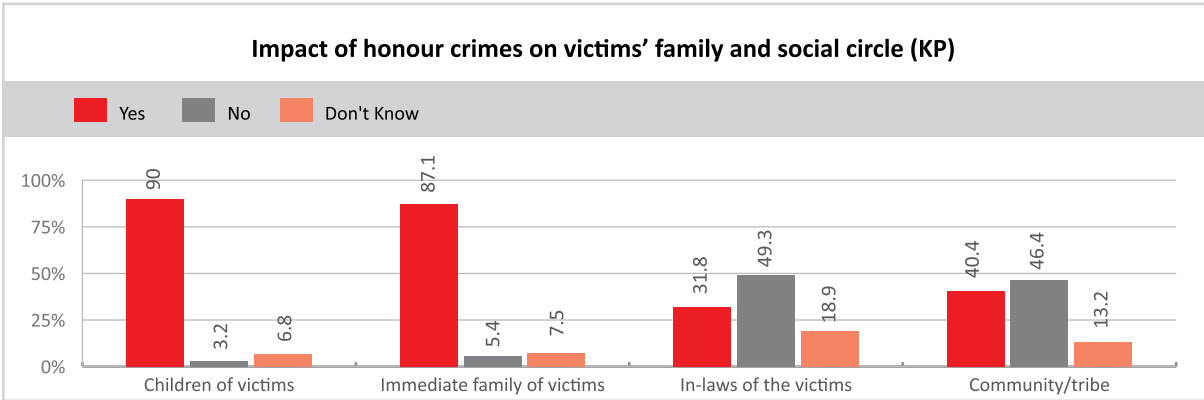
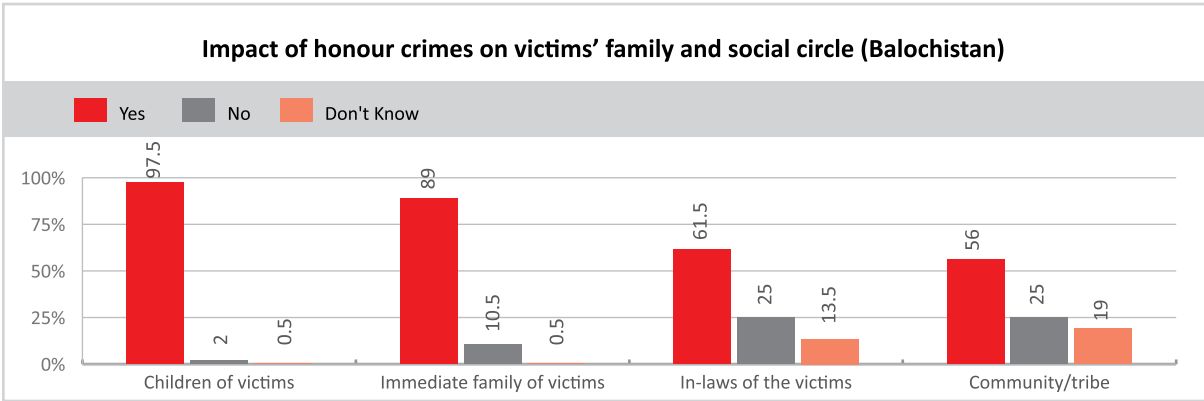


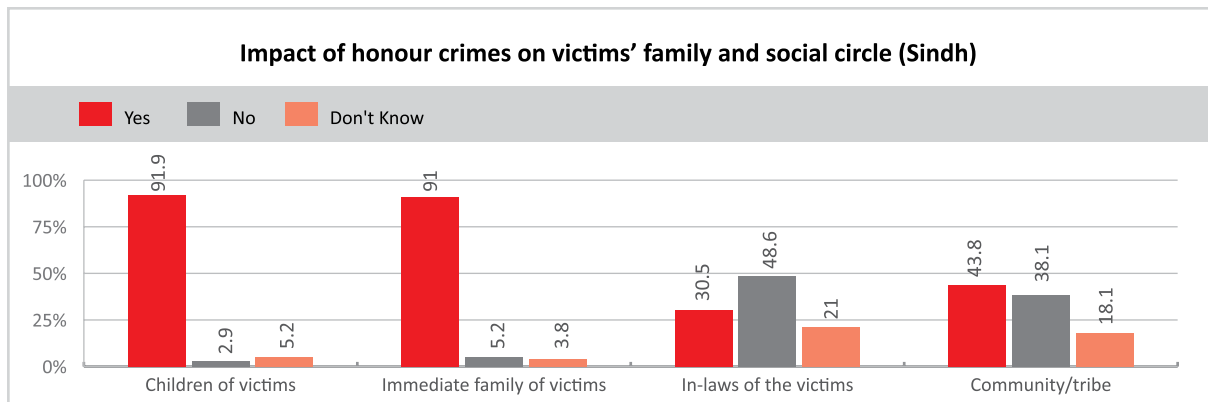
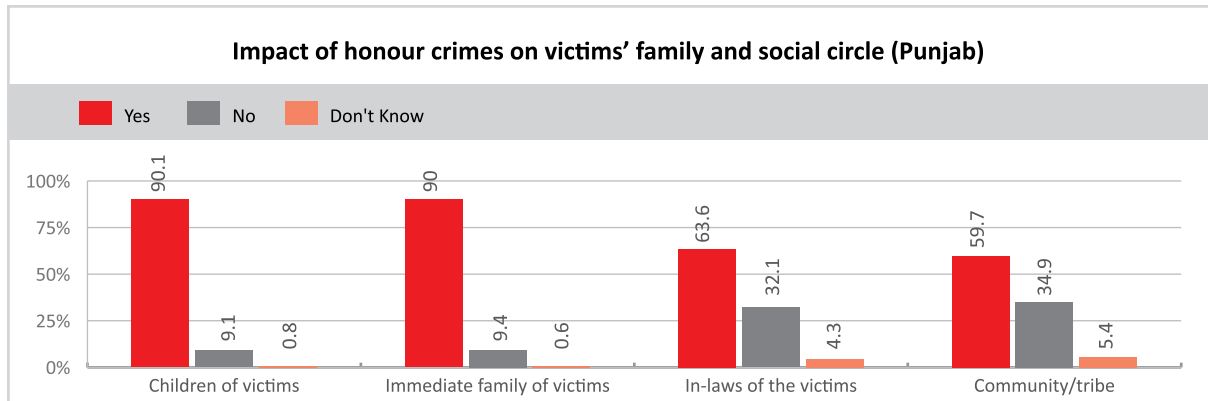
Results for each option vary from culture to culture and region to region. However, it is quite clear that an overwhelming majority believes that crimes of honour have a diverse and severe impact on the lives of victims and their families.

Impact of honour crimes on victims’ family and social circle

The survey intended to examine the negative impact of honour crimes on victims’ family, friends and the community in general. The survey results portray that individuals close to the victim are indirectly or directly affected by the crime, particularly their children.

An overwhelming majority in all four provinces, Balochistan (97.5%), Khyber Pakhtunkhwa (90%), Punjab (90.1%) and Sindh (91.9%), believed that the children of the victims suffer dire consequences. Another overwhelming majority in Balochistan (89%), Khyber Pakhtunkhwa (87.1%), Punjab (90%) and Sindh (91%) also acknowledged the fact that immediate family members of the victims are affected by honour crimes. Similarly, it was perceived in all four provinces, Balochistan (97.5%), Khyber Pakhtunkhwa (90%), Punjab (90.1%) and Sindh (91.9%) that the in-laws of the victims also face dire consequences from the crime. Lastly, approximately half of the sampled population in Balochistan (56%) and Punjab (59.7%), and less than half in Khyber Pakhtunkhwa (40.4%) and Sindh (43.8%) believed that the community or tribe face embarrassment due to violent honour crimes.





Ways to prevent honour crimes

The practice of honour crimes in Pakistan is a pervasive violation of human rights, including child rights, and is a major impediment to the growth and development of the community.³⁶¹ This section will comprise, first, a short overview of the key informants' proposal for actions to minimise or prevent crimes of honour, followed by recommendations from all four provinces. This report stresses the need to intensify efforts to prevent and eliminate crimes committed in the name of honour by employing social, legal and economic measures at the grass-roots as well as at the policy levels. It is imperative for this process to include both legislative measures and educational, social and other awareness-raising efforts aimed at overcoming the negative influence of certain traditions and customs.³⁶² The process should involve public opinion leaders, educationists, religious scholars, political leadership, legislators, tribal elders and civil society.³⁶³ The survey results recognise that cultural norms can provide protection against violence but they can also support and encourage the practice of honour crimes. Therefore, interventions that challenge cultural and social norms supportive of crimes of honour are essential to eradicate the existence of this social ill.

Furthermore, significant efforts should be made to protect victims of honour crime by establishing, strengthening

361 In-depth interview with Valerie Khan, Islamabad, 8 July 2013.

362 In-depth interview with Zubaid Noor, chairperson, Noor Education Trust, Peshawar, 17 April 2013.

363 In-depth interview with I.A. Rehman, director, HRCPC, Lahore, 20 August 2013.

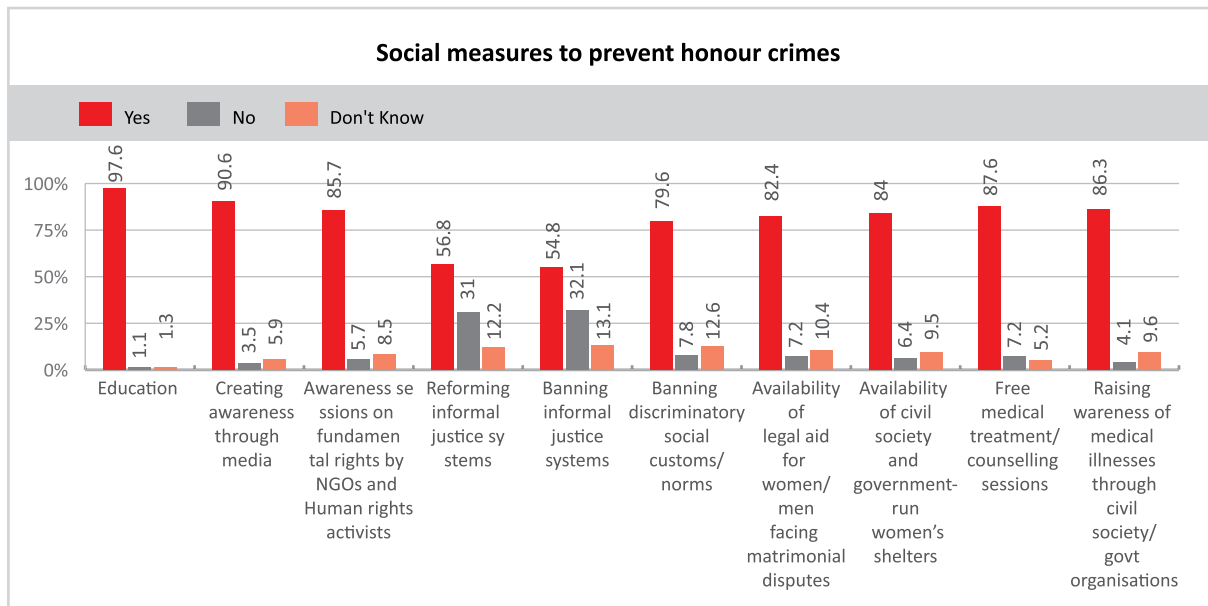


or facilitating the development of support services, such as shelters, counselling, legal aid, rehabilitation and reintegration into society.³⁶⁴ Despite the recent introduction of legislation for protection of women,, there is a need for the state to strengthen mechanisms to implement the law.³⁶⁵ It is also imperative to increase access to economic empowerment and livelihoods, especially for women, to combat occurrences of crimes in urban and rural parts of Pakistan.³⁶⁶

According to the key informants of the survey, education and spreading awareness is the key element in bringing significant reforms to bigoted practices in Pakistani society.³⁶⁷ Some key informants thought that enforcing Islamic principles in people’s lifestyle would bring an end to honour crimes.³⁶⁸ Other key informants stressed the need for legal aid for victims, which might help to protect them and their families obtain justice through state institutions.³⁶⁹ Some informants expressed the opinion that perpetrators of honour crime should be strictly penalised and existing laws should be implemented according to their true spirit. Key informants also stated that the state should take measures to address the issue of poverty and provide employment opportunities to the unemployed. Some informants from Punjab favoured banning co-education and the mixing of men and women in the workplace in order to prevent crimes of honour.³⁷⁰

Social measures to prevent honour crimes

The survey findings on the recommendations favoured by sampled respondents with regard to essential social steps that are required to prevent honour crimes in Pakistan are presented below.



364 In-depth interview with Zubaida Noor, chairperson, Noor Education Trust, Peshawar, 17 April 2013.

365 In-depth interview with Hina Jilani, women’s rights activist and director, AGLS, Lahore, 20 August 2013.

366 In-depth interview with Zubaida Noor, chairperson, Noor Education Trust, Peshawar, 17 April 2013.

367 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

368 Ibid.

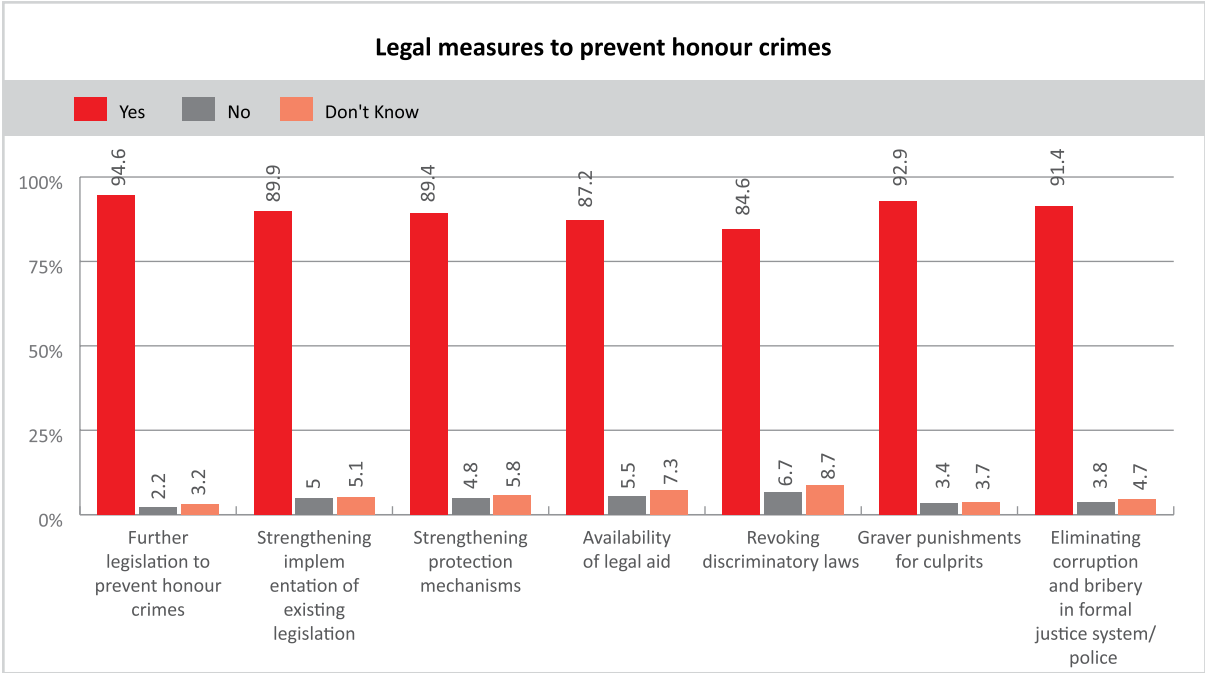
369 Ibid.

370 KIs in Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, 7–22 July 2013.

In descending order, the respondents identified the need to promote more education (97.6%), followed by 90.6% who recommended creating awareness through the media. 87.6% recommended free medical treatment/counselling sessions for the victims, while 86.3% recommended increasing awareness of medical illnesses through civil society and government organisations. 85.7% recommended awareness sessions on fundamental rights by NGOs and human rights activists. 84.0% thought there is a need for more shelters for women victims. 82.4% believed that legal aid for women and men facing matrimonial disputes should be provided. 79.6% suggested that the government and society itself should ban discriminatory social customs and norms, while 56.8% thought that informal justice systems should be reformed. 54.8% believed that informal justice systems should be abolished completely.

Legal measures to prevent honour crimes

The survey enquired about perceptions on the legal measures that are necessary in order to combat the prevalence of honour crimes in Pakistan. The sampled population recognised the need for further legislation to prevent honour crimes (94.6%), graver punishments for culprits (92.9%), eliminating corruption and bribery in the formal justice system and the police (91.4%), strengthening the implementation of existing legislation (89.9%), strengthening protection mechanisms (89.4%), increasing the availability of legal aid (87.2%) and revoking discriminatory laws (84.6%).

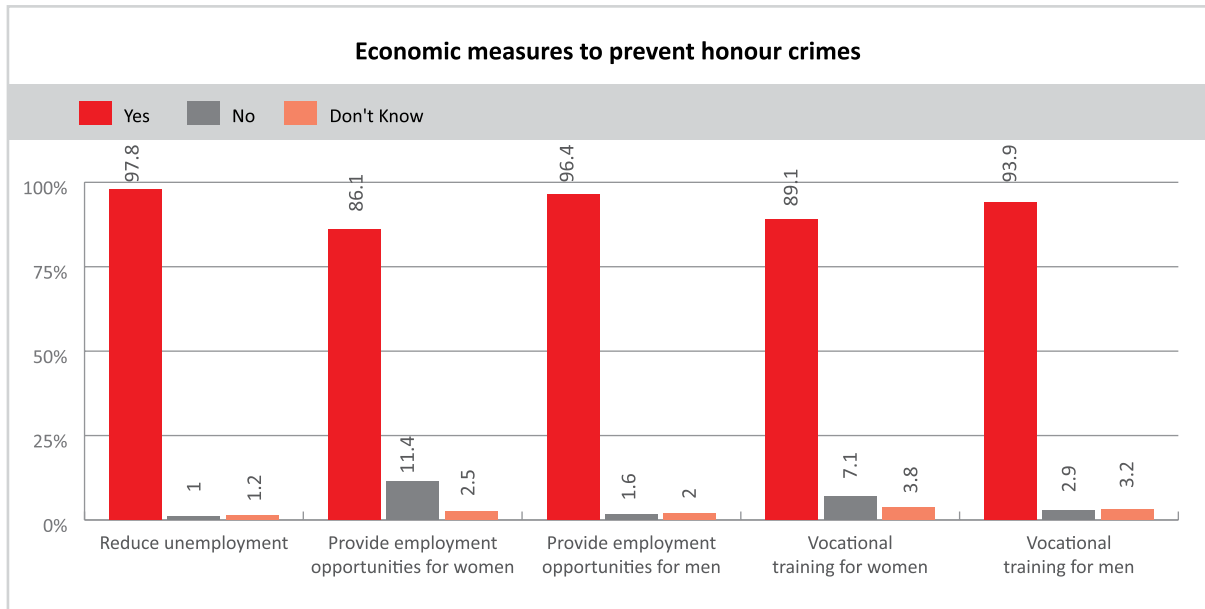


Economic measures to prevent honour crimes

Lastly, the questionnaire sought respondents’ views on the economic steps that are necessary to reduce honour crimes in Pakistani society.

Respondents suggested that steps should be taken to reduce unemployment (97.8%), provide employment opportunities for men (96.4%), deliver vocational training for men (93.9%) and women (89.1%), and provide employ-





ment opportunities for women (86.1%). It should also be noted that a significant percentage of the respondents opposed providing employment opportunities (11.4%) and vocational training (7.1%) for women. This illustrates the barriers to reform of the existing social structure posed by the patriarchal nature of Pakistani society.

CONCLUSION

This report attempted to supplement the brave advocacy of women rights activists and commendable empirical assessments of primary data compiled by leading organisations in Pakistan. The gravity of crimes committed against women is compounded by their rate of increase in the society. Heart retching stories of women sufferings and losses that are frequently highlighted by the media are by no means limited to rural tribal areas and the uneducated segment of the populace. The concept of ‘honour’ is deeply embedded in the cultural construct of the Pakistani society, where the woman is seen as a ‘symbolic vessel’³⁷¹ of her male family member’s reputation. Consequently, a man re-asserts his authority and masculinity through violence when a woman is exercising her free will or accused of impropriety.³⁷²

CAMP conducted this in-depth survey, which maps the perception of 2140 male and female common Pakistani residents, supported by in-depth and key informant interviews in both rural and urban regions of all four provinces to understand the socio-cultural reasons behind the widespread occurrence of these vicious practices. Based on our previous research and advocacy work addressing social ills, it has been recognized that in order to bring sustainable and positive change in customary practices it is imperative to include the voices of all stake-

371 Hussain, Mazna (2006) “Take my Riches, Give me Justice: A Contextual Analysis of Pakistan’s Honor Crimes Legislation” Harvard Journal of Law & Gender, 29, pp. 223- 246.

372 Ibid

holders into the process of reform. We hope that the findings of this study can be used to identify the loopholes in our political, legal and social environment and help design culturally sensitive campaigns and programme to fight crimes committed in the name of honour.

The common perception gathered by the survey verified that overwhelming majority of the population lacked awareness of basic human rights and women rights safeguarded by International instruments, the Constitution of Pakistan and domestic legislation. Even teachers, tribal elders and other professionals interviewed, as key informants in rural and urban centres were unable to comment on the fundamental rights protected by national and international legal mechanisms. Whereas, in contrast, the respondents across the provinces were confident of their knowledge regarding rights protected by Islam. This raises concerns regarding the failure of the State and educational institutions to create necessary awareness regarding human rights and more importantly, it also underlines the patriarchal interpretations of Islamic law that has sustained the practice of honour crimes.

It is important to discuss and gain an understanding of the various perceptions that persist in society today in order to ultimately bridge gaps between the overtly patriarchal mind-sets and the modern conception of justice. This survey attempted to gain a holistic understanding of the concept of honour and dishonour, enabling us to map a comprehensive and effective way forward. The study highlighted the need to address persevering social taboos including divorce and women empowerment. Furthermore, it unveiled the root causes behind the practice of various crimes of honour in Pakistan, including, honour killing, abduction, domestic violence, sexual assault, acid burnings, discriminatory customary practices and forced marriages.

This study explores the recourse of justice to victims of honour crimes and the interaction of the two axes of justice in Pakistan. The first is that of the formal legal system (Constitutional provisions, national legislation, judiciary and the court system), whereas, the second axis comprises of the informal or community justice instruments (Pakhtun Jirga, Baloch Jirga, faisalo and panchayats). The survey recognises the popularity of the informal adjudicatory system due to the vacuum created by the state justice mechanism. Furthermore, the tribal set up and notions of *Ghairat* (honour) frequently silences honour crimes victims. Therefore leaving them with no alternative but recourse to the informal justice system within the community.

Consequently, the study attempts to map the practice of honour crimes against the backdrop socio-economic and legal problems of the society. The survey results suggest that to address this multidimensional task it is imperative for the state to safeguard women's rights uniformly through legislation and uncorrupted judicial administration. This view matched the recommendation put forward by renowned legal advocate and human rights activist, Hina Jilani, "While I do believe and acknowledge that the law alone never changes society. I also believe that law is at least one of the tools through which the state can assure commitment to eradicate social ills and countering progress in the community. Pakistan is a country in the process of evolving both in terms of social values and institutionalisation. Therefore, to challenge discriminatory practices there is a need to introduce laws coupled with commitment of institutions and individuals to give the law a chance."

The analysis of the primary data also recognises that misogynistic societal attitudes discriminate against fundamental rights of women and exposes them to violence without any recourse to justice. Therefore, to break the shackles of outdated and inequitable norms it is imperative to introduce educational reforms and promote economic opportunity to strengthen women's role in our society. This needs to happen together with judicial reform and scrutinizing flawed decisions of the informal systems. There is a dire need to empower both rural and urban women victims of Pakistan to restore their confidence in dispensation of justice. Our key informant, human rights expert, I.A Rehman, supported this view by stating, 'the recipe to counter honour crimes includes



the recognition of women's economic rights'. Economic dependence contributes to vulnerability to violence and injustice. This was seen in an incident that took place in Muridke, Punjab. A man subjected his wife to domestic abuse and broke both of her legs. We sent a team including a woman to provide her medical care after their neighbours notified us of the crime. However, the victim pleaded us to return out of fear for her life. Secondly our society is still ruled by our feudal values and anti-women practices that are guised under the name of Islam. Lastly, the discrimination against women by state actors and governmental institutions encourages the male dominated mindset of the society. This can be seen by the rise in the number of honour crimes post the Zia era.'

The authors hope that this study will contribute to the available literature, and the facts and figures of the study will help the policy makers to strengthen their existing laws and regulations empowering women in Pakistan. On the other hand, the study provides sufficient evidence to the civil society actors to argue for the making an honourable space for women to prosper in Pakistani society.

ANNEXURE

Honour crimes survey methodology

RESEARCH METHODOLOGY AND SAMPLE PLAN

This research report is based on both qualitative and quantitative data. For the **qualitative** information, key informant interviews and roundtable dialogues were used to gather opinions. Minutes were recorded, analysed and utilised to write this report and to inform the questionnaire design. Background and historical material used in the report came from a review of historical books, newspapers, reports, articles, journals, and the experience of CAMP programmes.

The **quantitative** data was collected through structured questionnaires. The objective was to sample adult males and females, urban and rural, to ascertain their opinion on key issues concerning honour crimes in Pakistan. Because gender plays such an important role in public opinion, the sample was designed to interview equal numbers of males and females in each community and, accordingly, it generated equal numbers of males and females in each village and urban location of the sampled districts of four provinces of Pakistan. Although there may be slightly unequal populations of males and females in each district due to seasonal migration and also emigration, along with the cultural tendency to keep women away from working, exact current statistics were not available to guide a deviation from the target of equal numbers of males and females.

RESEARCH METHODS AND INSTRUMENTS

I. Qualitative

Key informant interviews

Key informant interviews (KIIs) complemented data collected from other sources. Key informant interviews are qualitative interviews with people who know what is going on in the community. The purpose of key informant interviews is to collect information from a wide range of people – including community leaders, professionals or residents – who have first-hand knowledge about the community. A total of 50 key informant interviews were conducted in all four provinces of Pakistan according to the plan below.

Province	Sample districts	Sample	Local journalist	Lawyer	Police station head/ SHO	Local politician	Teacher / Community elder
Punjab	Lahore	5	1	1	1	1	1
	Faisalabad	5	1	1	1	1	1
	Rawalpindi	5	1	1	1	1	1
	Multan	5	1	1	1	1	1
Khyber Pakhtunkhwa	Peshawar	5	1	1	1	1	1
	Mardan	5	1	1	1	1	1

Sindh	Jacobabad	5	1	1	1	1	1
	Sukkur	5	1	1	1	1	1
Balochistan	Naserabad	5	1	1	1	1	1
	Quetta	5	1	1	1	1	1
Total		50	10	10	10	10	10

In-depth interviews

In-depth interviews were held with provincial-level stakeholders on honour crime issues in Pakistan. Their opinions were explored on the causes and factors of honour crimes in the country and government policies and laws for their eradication.

Roundtables

Roundtable discussions were conducted at provincial level with local stakeholders, including government departments, civil society members, community elders/representatives, journalists and human rights activists. They were invited to share their views on the issue and suggest remedial measures for the elimination of honour crimes.

Desk review

The desk review for this research study started with an analytical review of the available literature on the subject under study and other relevant sources in the CAMP library, other public and university libraries. As mentioned above, the research report includes the historical background of the issue and the area; facts about the honour crime situation in Pakistan; the constitutional situation; and the formal and informal justice system of Pakistan. For this purpose, books, newspapers, reports, articles, journals, and CAMP's own experience were consulted.

Themes for key informant interviews and roundtables

The themes included: awareness of human rights and women's rights in international law, domestic law, the constitution of Pakistan, and Islamic human rights; and people's knowledge about, support for or opposition to forced marriages, acid burning, stove burnings, sexual assault, domestic violence, abduction and kidnapping, suicides, discriminatory customs, and honour killing; and formal and informal justice systems and people's trust and support for the informal justice system.

II. Quantitative

In addition to a well-structured questionnaire, the key to successful social research is in the sampling frame. If this is well designed, the population and its segments will be represented by a manageable number of interviews. The objective was to sample 10 districts of the four provinces of Pakistan with a sample size that would result in a small margin of error. The desired margin of error for the whole sample size was 2.12%.¹ In relation to the 10 selected districts' estimated population of approximately 25 million, this called for a sample of 2140 interviews. Current population statistics for Khyber Pakhtunkhwa and Balochistan are not available, so it was assumed that the 1998 census would be accurate enough.

1 Note that for smaller samples of smaller populations, the margin of error increases.



The sample of 2140 respondents was drawn from the total population of 25.055 million (1998 Census Report) in the 10 selected districts of Khyber Pakhtunkhwa, Punjab, Sindh and Balochistan. A proportionate stratified sampling method (PSSM) was used to select the sample from the provinces and districts in order to ensure a representative sample for the entire population. The following table shows the sample size by district:

Province	Sample districts	Population	Sample size	Margin of error
Punjab	Lahore	6318745	500	4.4%
	Faisalabad	5429547	430	4.7%
	Rawalpindi	3363911	270	5.9%
	Multan	3116851	250	6.2%
Khyber Pakhtunkhwa	Peshawar	2026851	160	7.7%
	Mardan	1460100	120	8.9%
	Jacobabad	1425572	110	9.3%
Sindh	Sukkur	908373	100	9.8%
	Naserabad	245894	100	9.8%
Balochistan	Quetta	759941	100	9.8%
	Total	25055785	2140	2.12%

A proportionate stratified sampling method was used with a 95% confidence level and 2.12% margin of error

One of the practical advantages of quantitative methods is the use of small samples of people to make inferences about larger groups. The researcher uses information gathered from the survey to generalise findings from a drawn sample about the sampled population and accepts planned limits of random error.

Margin of error: The overall margin of error with all interviews pooled under “people of all four provinces of Pakistan” for single questions of a “yes/no” nature is approximately 2.12% with a 95% confidence level. That is, if a random sample were drawn 100 times, then in 95 of the cases, one would expect there to be 2.12% plus or minus difference around a sample result. That being said, once one begins to partition the data set and look at specific districts of Khyber Pakhtunkhwa, Punjab, Sindh or Balochistan, within those units the margin of error increases because of the smaller population size and the proportional sample size. The right-hand column in the table above summarises the margin of error.

SAMPLING PLAN AND FIELD IMPLEMENTATION

Selection of districts and accessibility

Districts for this research study were selected on the basis of the high levels of honour crimes in these areas. The selection of districts was finalised after a thorough desk review of the available reports on the issue. At the beginning of this project CAMP gathered information on the accessible areas within sampled districts of Khyber Pakhtunkhwa, Punjab, Sindh and Balochistan by making a list of villages/areas and *tehsils* that were not accessible because of security concerns, local situations or extreme weather conditions. The 326 villages and urban locations sampled came from the larger list of villages and urban locations.

Two stages were used to select the sample. In the first stage CAMP made a random selection from among the accessible *tehsils*. In the second stage CAMP randomly selected 360 villages and towns in the *tehsils* that were selected in the first stage.

A total of 10 interviews were assigned to each village and 5 interviews of men or women were assigned to each urban location. The gender balance in the overall sample was achieved by setting gender quotas. In every village and town half of the respondents were male and half were female. Because of the culture of the region, female enumerators interviewed women and male enumerators interviewed men. The resulting sampling frame is shown in the following table:

Province	Sample districts	Population ((1998	Sample size				
			Total	Male	Female	Urban	Rural
Khyber Pakhtunkhwa	Peshawar	2026851	160	80	80	80	80
	Mardan	1460100	120	60	60	30	90
Punjab	Lahore	6318745	500	250	250	410	90
	Faisalabad	5429547	430	215	215	180	250
	Rawalpindi	3363911	270	135	135	140	130
	Multan	3116851	250	125	125	100	150
Sindh	Jacobabad	1425572	110	55	55	30	80
	Sukkur	908373	100	50	50	50	50
Balochistan	Naserabad	245894	100	50	50	30	70
	Quetta	759941	100	50	50	60	40
Total		25055785	2140	1070	1070	1110	1030

Source: 1998 Census Report, Population Census Report Organisation Statistics Division, Government of Pakistan.

Bias due to inaccessibility: As pointed out in the description of the selection of villages, access to all villages was limited due to conflict and the threat of violence. Thus, the sample was biased toward more peaceful areas of each sampled district in Khyber Pakhtunkhwa, Punjab, Sindh and Balochistan. One would expect, therefore, that not including people in conflict areas created a bias in the conclusions.

SELECTION OF INTERVIEWEES

Method of selecting starting points

In villages, the survey universe was divided into four areas, i.e. two for male enumerators and two for female enumerators. In each area two starting points were selected by male and two by female enumerators. Male and female enumerators interviewed three respondents from one point and two from the other point through an interval method, by skipping three houses after each successful interview. These starting points were local landmarks, such as the *hujra* of a prominent *malik*, famous shops, mosques, *imam bargahs* of the Shiite community or schools and hospitals. From each point the enumerators (both male and female) would interview five respondents. In cities or town 5 male or female respondents were interviewed through an interval method,



skipping these houses after each successful interview, with one starting point for each urban location. In the city or town, male and female enumerators were assigned different urban locations for interviewing respondents.

After the selection of the starting points, the male enumerators selected a household on their left hand while female enumerators selected a household on their right hand. In some areas where the houses were scattered and this rule could not be properly applied, the survey enumerators made note of the difficulty on the contact sheet. In the household survey where interviewers faced a “no response”, “refusal” or “not eligible”, the next household on the list was chosen.

Bias due to “starting point” methodology: As stated above, the starting points in each village/town were local landmarks such as the *hujra* of a prominent *malik*, famous shops, mosques, *imam bargahs* in Shiite communities, schools and hospitals. From each point the enumerators (both male and female) would interview five respondents by counting off every third door or compound. This approach biased the sample toward the centre of villages. Typically the wealthy or more established families are located at these locations (for example, the *hujra*) or in close proximity. These would be the more urban and educated citizens of the community and their status probably influences statistics such as literacy, the use of media and educational status when compared with the general population of those same villages and other parts of Pakistan.

Method of respondent selection

Before selecting the interviewees, the enumerators made sure that the respondents were 18 years old or above, that they were Pakistanis, and were from the district and the particular village or urban location where the interviews took place. The survey enumerators also ensured that the respondents had not participated in any survey in the last six months.

Guidelines for replacing respondents (substitution)

During the respondent selection, if a desired respondent was not available, then the enumerators skipped three houses and knocked on the fourth door. Later on, the interviewer would try to contact the person who was not available initially. If the person was still not available after three attempts, the interviewer substituted the contact person with someone in close proximity by applying the selection criteria described above. In case of a respondent’s refusal to be interviewed to cooperate, not being a permanent resident, a door being locked, or not meeting the nationality, age or gender requirements, then the enumerators contacted the following house until the desired number of interviews was completed.

In summary, the overall sampling was robust and limited the margin of error in the statistics across Khyber Pakhtunkhwa, Sindh, Punjab and Balochistan. When specific districts are examined the margin of error in the table above must be considered. Overall, the urban and accessibility biases must be kept in mind when reviewing the findings.

Questionnaire

A structured questionnaire was used to collect information from the general public on the subject under study. CAMP designed and developed a structured questionnaire with both open and closed response possibilities. The questionnaire was the result of a thorough desk review and it was intended to cover all possible aspects of honour crimes in Pakistan. The questionnaire was made simple in order to be easily understood by people in Pakistan.

Interviewer training

Prior to conducting the survey, CAMP enumerators were trained by independent consultants, under the supervision of CAMP senior management who observed the training and pre-test interviews. Three training/orientation workshops of 2 days each for 20 local enumerators and 10 supervisors from all four provinces of Pakistan were conducted in their local areas and provincial headquarters on quantitative survey tools, methodology and pre-testing. Training workshops for field enumerators and supervisors were conducted on 30-31 May 2013 for Khyber Pakhtunkhwa, 5-6 June 2013 for Punjab province, and 12-13 June 2013 for Baluchistan and Sindh provinces.

Pre-testing of the questionnaire aimed to:

Determine the time length of the interview

Check questionnaire content

Check the skipping and coding patterns

Correct and improve translation

The questionnaire was pre-tested locally by interviewing 10 respondents. The pre-tests were conducted with adult Pakistani males and females aged 18 and above in Islamabad city and suburbs on 31 June 2013, and in Lahore city and suburbs on 6 June 2013. The average time for the interview during the pre-tests was 60 minutes. The minimum time taken to complete the interview was 55 minutes, while the maximum time taken to complete the interview was 65 minutes. The enumerators' general understanding of the questionnaire was found to be adequate and satisfactory. The enumerators were able to handle the questionnaire well and they read the questions to the respondents as written on the questionnaire without introduction of bias. Enumerators were also able to comply with the field methodology for data collection. Their understanding of the house skipping pattern and following the left hand/right hand rule was also as required. The supervisors were able to manage the field supervision through different checking methods. Feedback related to the substance and structure of the questionnaire was shared with the senior management of CAMP.

Data entry and cleaning

Upon the completion of the survey, CAMP carried out the data entry for the 2140 questionnaires using a database entry program. The database was developed in MS-Access and was then checked and cleaned using SPSS.

Key informant interview methodology

A key informant interview guide developed by CAMP was used to collect information from respondents. The interview guide contained queries about the issue under study. It ensured that the quantitative data tools were complemented with a broader view of the issue, its causes and its impact on Pakistani society.

The KII guide was translated into Urdu for easy administration and understanding. 10 key informant interviewers (quantitative survey supervisors) were appointed and one-day orientation workshops were organised for them in their respective districts. The KII guide was pre-tested by conducting one mock interview. The purpose of the pre-test was to check the appropriateness and integrity of the guide.



A total of 50 KIIs were completed in all 10 sampled districts, 5 in each district. The KII respondents included:

1. Teachers/community elders
2. Local politicians
3. Local police department officials
4. Lawyers
5. Local journalists

In-depth interviews

As well as 50 key informant interviews at district level in the 10 sampled districts of Pakistan, 15 in-depth interviews were also conducted in provincial headquarters with stakeholders on the issue under study. These interviews were conducted by the primary researcher and researcher advisor/supervisor in Karachi, Lahore, Quetta and Peshawar. The purpose of these in-depth interviews was to gain a deeper insight into the honour crimes issue and also to get in-depth knowledge about the implementation and success of government policies and laws for addressing honour crimes.

Roundtable discussion methodology

A roundtable discussion guide was used to collect information from respondents. 3 roundtable discussions were organised in the provincial headquarters of Sindh at Karachi, Punjab at Lahore and Khyber Pakhtunkhwa at Peshawar. Roundtables were moderated by a primary researcher to ensure that they were effective and result-oriented. Selected quantitative data were presented during these roundtable discussions and the participants' opinion and endorsement were sought.

Selection of participants for these roundtable discussions was conducted through trained local recruiters. Some were also contacted directly by CAMP head office at Islamabad via telephone and sent invitation letters by post and email. There were around participants in each roundtable discussion including journalists, civil society members, parliamentarians, and law and police department officials.

Survey management and monitoring

The CAMP project coordinator coordinated the survey with the survey manager based in the Islamabad head office, including the initial training of the enumerators, the pre-tests and the field implementation. During the implementation of the survey CAMP's head office regularly followed up with the project coordinator and supervisors for quality assurance. The survey manager also coordinated closely with the field teams to monitor the progress of the survey and make sure that the survey and sampling plan were being implemented properly. The project coordinator reported to the survey manager on a daily basis, who in turn reported to the CAMP management on a weekly basis by sharing weekly survey status sheets.

Description of field team

CAMP engaged local enumerators and supervisors to carry out this assignment in their own locations in the

10 sampled districts. The strategy was based on the prevailing security circumstances in the country. CAMP's accomplishments in successfully implementing projects in the country and its social acceptability in the community/society is rightly associated with local individuals and community organisations.

CAMP has a pool of around 270 educated enumerators hailing from all over the country who are from time to time involved in CAMP's various surveys and other research studies. For this study, CAMP involved these experienced local enumerators and supervisors to carry out the data collection.

The enumerators were from the areas in which they interviewed.

The content of the questionnaire focused mainly on honour crimes, and respondents appeared willing and happy to participate in this study.

Because the sampling plan was based on the feedback received from the field teams, the areas where these interviews took place were relatively safe and accessible to the enumerators.

Back-checking and method of contact

The table below provides the breakdown of the number of questionnaires back-checked per agency. Back-checking was done by CAMP's five field offices in FATA as well as the CAMP regional office in Peshawar. The following table is a summary based on the contact sheet used by the enumerators:

District	Sample size	Personally back-checked	Back-checked by telephone	Accompanied	Total back-checked
Peshawar	160	24	0	16	40
Mardan	120	0	8	17	25
Rawalpindi	270	25	13	28	66
Lahore	500	10	48	63	121
Faisalabad	430	57	20	24	101
Multan	250	23	18	27	68
Sukkur	100	15	15	10	40
Jacobabad	110	17	8	11	36
Quetta	100	15	9	13	37
Naserabad	100	0	24	0	24
Total	2140	186	163	209	558
%		8.69%	7.62%	9.77%	26.07%

Back-checking of the data collection process was done through different methods. 9.77% of the interviews were personally observed by the supervisors. 8.69% were back-checked by the supervisors during the data collection process by revisiting the villages and obtaining confirmation from the respondents, their family members or locals. 7.62% of the interviews were back-checked and confirmed by telephone contacts from the CAMP head office in



Islamabad. A total of 26.07% of the interviews were back-checked for quality control. All the back-checked interviews were confirmed by the respondents. It is assumed that all the data collected were actually correct.

Contact sheet and response rate

Successful interviews/successful contact as per specification

District	Actual sample	Not a permanent resident	No response/door locked	Refused to cooperate	Not required age	Not required gender	Not required nationality	Interrupted interview	Successful interview	Total contacts made
Peshawar	160	18	10	19	11	1	5	1	160	225
Mardan	120	1	2	5	9	1	1	0	120	139
Rawalpindi	270	0	80	69	17	96	0	0	270	532
Lahore	500	0	361	208	57	163	0	2	500	1291
Faisalabad	430	2	391	144	51	287	6	4	430	1315
Multan	250	0	244	9	44	53	0	0	250	600
Sukkur	100	7	11	51	0	0	0	4	100	173
Jacobabad	110	0	0	0	0	0	0	0	110	110
Naserabad	100	0	0	0	0	0	0	0	100	100
Quetta	100	14	2	4	0	0	0	0	100	120
Total	2140	42	1101	509	189	601	12	11	2140	4605
Response rate		0.91%	23.91%	11.05%	4.10%	13.05%	0.26%	0.24%	46.47%	

Conclusion

The methods chosen produced both the quantitative and the qualitative information desired on the opinions of people from all four provinces of Pakistan regarding honour crimes in the country. Although compromises or assumptions had to be made due to a lack of current statistics and because of the accessibility issue, the sampling frame ensured the confidence intervals and margin of error desired. When interpreting the results it is important to keep the accessibility and the starting point biases in mind. Knowledge of these biases is crucial to the rational interpretation of the data and is not a weakness like a hidden bias.

Survey Questionnaire

Honour Crimes and Access to Justice

SECTION 1: SOURCES OF INFORMATION

1.1 What sources of information do you have access to? (Don't read the list – check appropriate box)
(Multiple responses are allowed)

Response	Code	Response	Code
Pakistani newspapers	1	Friends and family	10
Pakistani radio	2	Work colleagues	11
Pakistani TV	3	Neighbours	12
British newspapers	4	Friday sermon	13
British TV channels	5	Communal gathering	14
British radio	6	Government officials	15
American newspapers	7	Tribal elders	16
American radio	8	Other – Please explain _____	77
Internet, books and films	9	Don't know	88

1.2 Which sources of information do you trust the most? (Don't read the list – check appropriate box)
(Multiple responses are allowed)

Response	Code	Response	Code
Pakistani newspapers	1	Internet, books and films	10
Pakistani radio	2	Friends and family	11
Pakistan TV	3	Work colleagues	12
British newspapers	4	Neighbours	13
British TV channels	5	Friday sermon	14
British radio	6	Communal gathering	15
American newspapers	7	Government officials	16
American TV	8	Tribal elders	17
American radio	9	Other – Please explain _____	77

SECTION 2: PEOPLE'S PERCEPTION REGARDING HUMAN RIGHTS

2.1 Do you know about human rights?(If No skip to question 2.3)

Yes	No
1	2



2.2 If yes what are they?(Mark against each category)

	Response	Yes	No
2.2.1	Right to equality	1	2
2.2.2	Right to life, liberty, personal security	1	2
2.2.3	Freedom from torture and degrading treatment	1	2
2.2.4	Right to equality before the law	1	2
2.2.5	Freedom from arbitrary arrest and exile	1	2
2.2.6	Right to fair public hearing	1	2
2.2.7	Right to be considered innocent until proven guilty	1	2
2.2.8	Freedom from interference with privacy, family, home and correspondence	1	2
2.2.9	Right to a nationality and the freedom to change it	1	2
2.2.10	Right to marriage and family	1	2
2.2.11	Right to own property	1	2
2.2.12	Freedom of belief and religion	1	2
2.2.13	Right of peaceful assembly and association	1	2
2.2.14	Right to participate in government and in free elections	1	2
2.2.15	Right to social security	1	2
2.2.16	Right to desirable work and to join trade unions	1	2
2.2.17	Right to rest and leisure	1	2
2.2.18	Right to education	1	2

2.3 What is your opinion regarding human rights? (Single response is possible)

Response	Code
Human rights are the basic rights and freedoms which everyone is entitled to	1
Human rights are universal	2
Human rights belong to everyone, everywhere, regardless of nationality, sexuality, gender, race, religion or age.	3
Other (please explain): _____)	77
Don't know	88

International law

2.4 Do you know about international law? (If No skip to question 2.6)

Yes	No
1	2

2.5 Are you aware of the following international laws that protect human rights? (Mark against each category)

	Response	Yes	No
2.5.1	The convention that protects the rights of Pakistani children	1	2
2.5.2	The convention that protects the rights of minorities, women and children in Pakistan	1	2
2.5.3	The convention that protects the rights and dignity of persons with disabilities	1	2

Domestic law

2.6 Do you know about domestic law? (If No skip to question 2.8)

Yes	No
1	2

2.7 Are you aware of the following domestic laws that protect human rights? (Mark against each category)

	Response	Yes	No
2.7.1	Minimum age of marriage, 16 years for girls and 18 years for boys	1	2
2.7.2	The law that protects the rights of religious and ethnic minorities	1	2
2.7.3	The law that provides accessibility to disabled citizens in every public place	1	2
2.7.4	The law that protects the rights of women	1	2

The constitution

2.8 Do you know about constitutional rights? (If No skip to question 2.10)

Yes	No
1	2

2.9 Are you aware of the following constitutional rights that protect human rights? (Mark against each category)

	Response	Yes	No
2.9.1	Laws inconsistent with or in derogation of fundamental rights to be void	1	2
2.9.2	Security of person	1	2
2.9.3	Safeguards against arrest and detention	1	2
2.9.4	Right to fair trial	1	2



2.9.5	Protection against retrospective punishment	1	2
2.9.6	Protection against double punishment	1	2
2.9.7	Inviolability of dignity of man	1	2
2.9.8	Freedom of movement	1	2
2.9.9	Freedom of assembly	1	2
2.9.10	Freedom of association	1	2
2.9.11	Freedom of trade, business or profession	1	2
2.9.12	Freedom of speech	1	2
2.9.13	Right to information	1	2
2.9.14	Freedom to profess religion and to manage religious institutions	1	2
2.9.15	Provision of property	1	2
2.9.16	Equality of citizens	1	2
2.9.17	Right to education	1	2
2.9.18	Safeguards against discrimination in services	1	2
2.9.19	Preservation of language, script and culture	1	2

Islamic human rights

2.10 Do you know about human rights protected by Islam?(If No skip to question 3.1)

Yes	No
1	2

2.11 Are you aware of the following Islamic laws that protect human rights? (Mark against each category)

Response	Yes	No
2.11.1 Right to life	1	2
2.11.2 Rights of non-Muslims	1	2
2.11.3 Right of children	1	2
2.11.4 Rights of disabled	1	2
2.11.5 Rights of women	1	2

PEOPLE'S PERCEPTION REGARDING WOMEN'S RIGHTS

:SECTION 3

3.1 Do you know about women's rights?(If yes continue with subsequent question; if No, attempt questions 3.2 & 3.3 and skip to question 4.1)

Yes	No
1	2

3.2 What is your perception regarding women's rights? (Single response is possible)

Response	Code
Women's rights are human rights	1
Equality of women	2
No discrimination based on gender	3
Other (please explain): _____)	77
Don't know	88

3.3 Are you satisfied with the state of women's rights in Pakistan?

Yes	No
1	2

International law

3.4 Are you aware of the following international laws that protect women's rights? (Mark against each category)

Response	Yes	No
3.4.1 The convention that obligates Pakistan to eliminate discrimination against women	1	2
3.4.2 The convention that obligates Pakistan to take measures to prevent torture within its borders	1	2

Domestic law

3.5 Are you aware of the following domestic laws that protect women's rights? (Mark against each category)

Response	Yes	No
3.5.1 The law that lays down severe penalties for crimes committed against women	1	2
3.5.2 The law that includes the punishment for giving a female in marriage or otherwise in <i>badla-e-sulh, vani or swara</i>	1	2
3.5.3 The ordinance that forbids trafficking of women	1	2
3.5.4 The law that protects the rights of women in marriage and divorce	1	2

Constitutional rights

3.6 Are you aware of the following Constitutional Rights that protect Women Rights?(Mark against each category)

Response	Yes	No
3.6.1 Article that prohibits trafficking in human beings as well as prostitution	1	2



3.6.2	Articles that empower the state to make special provision for the protection of women and children	1	2
3.6.3	Article that ensures that all citizens are equal before the law and are entitled to equal protection of the law	1	2

Islamic rights

3.7 Are you aware of the following Islamic laws that protect women's rights? (Mark against each category)

Response		Yes	No
3.7.1	Right to equality	1	2
3.7.2	Right to property	1	2
3.7.3	Right to fair justice	1	2
3.7.4	Right to life	1	2

SECTION 4: PEOPLE'S PERCEPTION REGARDING HONOUR CRIMES

4.1 What would you consider dishonourable? (Mark against each category)

Response		Yes	No	Don't know
4.1.1	Divorce	1	2	88
4.1.2	Woman marrying of her own choice	1	2	88
4.1.3	Man marrying of his choice	1	2	88
4.1.4	Woman getting educated	1	2	88
4.1.5	Woman working	1	2	88
4.1.6	Husband physically assaulting his wife	1	2	88
4.1.7	Married man being unfaithful	1	2	88
4.1.8	Married woman being unfaithful	1	2	88

4.2 What are the main cases of honour crimes in your community/area? (Mark against each category)

Response		Yes	No	Don't know
4.2.1	Honour killing	1	2	88
4.2.2	Abduction/kidnapping	1	2	88
4.2.3	Domestic violence	1	2	88
4.2.4	Suicide	1	2	88
4.2.5	Rape	1	2	88
4.2.6	Sexual assault	1	2	88
4.2.7	Stove burning	1	2	88
4.2.8	Acid burning	1	2	88

4.2.9	(Tribal customs (<i>swara</i> , bride price, <i>watta satta</i>)	1	2	88
4.2.10	Forced marriages/ <i>xhag</i>	1	2	88

4.3 What are the causes of honour crimes in your opinion? (Mark against each category)

Response		Yes	No	Don't know
4.3.1	Discriminatory customs	1	2	88
4.3.2	No legal protection	1	2	88
4.3.3	Lack of education/awareness	1	2	88
4.3.4	Economic deprivation/poverty	1	2	88
4.3.5	Unsuitability of partners	1	2	88
4.3.6	Interventions of in-laws in a marriage	1	2	88
4.3.7	_____:(Other (please explain	77		

4.4 Who are honour crimes mainly committed by? (Mark against each category)

Response		Yes	No	Don't know
4.4.1	Family members	1	2	88
4.4.2	Relatives	1	2	88
4.4.3	Friends	1	2	88
4.4.4	Community members	1	2	88
4.4.5	_____:(Others (please explain	77		

4.5 What kind of support is available in your area to victims of honour crimes? (Mark against each category)

Response		Yes	No	Don't Know
4.5.1	Emotional support	1	2	88
4.5.2	Legal support	1	2	88
4.5.3	Support to take case to the informal justice system	1	2	88
4.5.4	Financial support	1	2	88
4.5.5	_____:(Others (please explain	77		

Types of honour crime

Forced marriages

4.6 What are forced marriages? (Single response is possible)

Response	Code
Where the consent of girl is not taken before marriage	1



Where the consent of boy is not taken before marriage	2
Where both girl and boy have not given consent	3
Others (please explain): _____	77
Don't know	88

4.7 Are the girls given away in forced marriages mostly under 16? (Single response is possible)

Yes	No	Don't know
1	2	88

4.8 What are the reasons behind forced marriages? (Mark against each category)

Response	Yes	No	Don't know
4.8.1 End enmities	1	2	88
4.8.2 To keep land/inheritance in the family	1	2	88
4.8.3 Family marriages	1	2	88
4.8.4 Custom	1	2	88
4.8.5 Financial benefits for the girl's family	1	2	88
4.8.6 _____ : (Others (please explain	77		

Acid burning

4.9 Who are usually the victims of acid burnings? (Single response is possible)

Response	Code
Men	1
Women	2
Both	3
Don't know	88

4.10 Who are generally the perpetrators of acid burnings? (Mark against each category)

Response	Yes	No	Don't know
4.10.1 (Male family member (father, brother, son, cousin	1	2	88
4.10.2 (Female family member (mother, sister, daughter cousin	1	2	88
4.10.3 Husband	1	2	88
4.10.4 In-laws	1	2	88
4.10.5 Stranger	1	2	88

4.11 What are the reasons behind acid burnings? (Mark against each category)

	Response	Yes	No	Don't know
4.11.1	Family honour	1	2	88
4.11.2	Rejection of marriage proposal	1	2	88
4.11.3	Revenge	1	2	88
4.11.4	Land disputes	1	2	88
4.11.5	Dowry-related issues	1	2	88
4.11.6	Family and marriage-related issues	1	2	88
4.11.7	_____:(Others (please explain	77		

Stove burning

4.12 Who are usually the victims of stove burnings? (Single response is possible)

Response	Code
Men	1
Women	2
Both	3
Don't know	88

4.13 Who are generally the perpetrators of stove burnings? (Mark against each category)

	Response	Yes	No	Don't know
4.13.1	(Male family member (father, brother, son, cousin	1	2	88
4.13.2	(Female family member (mother, sister, daughter, cousin	1	2	88
4.13.3	Husband	1	2	88
4.13.4	In-laws	1	2	88
4.13.5	Stranger	1	2	88

4.14 What are the reasons behind stove burnings? (Mark against each category)

	Response	Yes	No	Don't know
4.14.1	Family honour	1	2	88
4.14.2	Domestic disputes	1	2	88
4.14.3	Not adhering to customs	1	2	88
4.14.4	Dowry-related issues	1	2	88
4.14.5	_____:(Others (please explain	77		



Sexual assault

4.15 Who are generally the victims of sexual assault? (Mark against each category)

	Response	Yes	No	Don't know
4.15.1	Married men	1	2	88
4.15.2	Unmarried men	1	2	88
4.15.3	Married women	1	2	88
4.15.4	Unmarried women	1	2	88
4.15.5	Children		1	
			2	
			88	

4.16 Who usually commits a sexual assault? (Mark against each category)

	Response	Yes	No	Don't know
4.16.1	Family member	1	2	88
4.16.2	Community member	1	2	88
4.16.3	Husband	1	2	88
4.16.4	(Stranger (man/woman	1	2	88

4.17 What are the reasons behind sexual assault? (Mark against each category)

	Response	Yes	No	Don't know
4.17.1	Family honour	1	2	88
4.17.2	Rejection of marriage proposal	1	2	88
4.17.3	Revenge	1	2	88
4.17.4	Decision of informal justice system	1	2	88
4.17.5	Psychological illnesses	1	2	88
4.17.6	_____:(Others (please explain	77		

Domestic violence

4.18 In your opinion what constitutes domestic violence? (Mark against each category)

	Response	Yes	No	Don't know
4.18.1	Physical abuse	1	2	88
4.18.2	Mental abuse	1	2	88
4.18.3	Economic abuse	1	2	88
4.18.4	Verbal abuse	1	2	88

4.19 Who are usually the victims of domestic violence? (Single response is possible)

Response	Code
Men	1
Women	2
Both	3
Don't know	88

4.20 Who are generally the perpetrators of domestic violence? (Mark against each category)

Response	Yes	No	Don't know
4.20.1 (Male family member (father, brother, son, cousin	1	2	88
4.20.2 (Female family member (mother, sister, daughters, cousin	1	2	88
4.20.3 Husband	1	2	88
4.20.4 In-laws	1	2	88
4.20.5 Stranger	1	2	88

4.21 What are the reasons behind domestic violence? (Mark against each category)

Response	Yes	No	Don't know
4.21.1 Family Honour	1	2	88
4.21.2 Female empowerment	2	2	88
4.21.3 Family and marriage-related issues	3	2	88
4.21.4 Dowry-related Issues	4	2	88
4.21.5 _____:(Others (please explain	77		

Abduction and kidnapping

4.22 Who are generally the victims of abductions/kidnappings? (Mark against each category)

Response	Yes	No	Don't know
4.22.1 Married men	1	2	88
4.22.2 Unmarried men	1	2	88
4.22.3 Married women	1	2	88
4.22.4 Unmarried women			
4.22.5 Children		1 2 88	



4.23 Who are usually involved in kidnappings/abductions? (Mark against each category)

	Response	Yes	No	Don't know
4.23.1	Family member	1	2	88
4.23.2	Community member	1	2	88
4.23.3	Criminals	1	2	88
4.23.3	_____:(Others (please explain	77		

4.24 What are the reasons behind kidnappings/abductions? (Mark against each category)

	Response	Yes	No	Don't know
4.24.1	Family honour	1	2	88
4.24.2	Rejection of marriage proposal	1	2	88
4.24.3	Revenge	1	2	88
4.24.4	Trafficking		1 2 88	
4.24.5	Psychological illnesses	1	2	88
4.24.6	_____:(Others (please explain	77		

Suicides

4.25 Who usually commits suicides? (Mark against each category)

	Response	Yes	No	Don't know
4.25.1	Married men	1	2	88
4.25.2	Unmarried men	1	2	88
4.25.3	Married women	1	2	88
4.25.4	Unmarried women	1	2	88
4.25.5	Children	1	2	88

4.26 What are the reasons behind suicide? (Mark against each category)

	Response	Yes	No	Don't know
4.26.1	Unemployment/financial crisis	1	2	88
4.26.2	Rejection of marriage proposal	1	2	88
4.26.3	Matrimonial disputes	1	2	88
4.26.4	Fear of violence	1	2	88
4.26.5	Fear of letting family honour down	1	2	88

4.26.6	Psychological illnesses	1	2	88
4.26.7	Exam fear/failure	1	2	88
4.26.8	_____ : (Others (please explain	77		

Discriminatory customs

4.27 In your opinion which of the following customs violate fundamental rights? (Mark against each category)

Response		Yes	No	Don't know
4.27.1	Swara/vani	1	2	88
4.27.2	Bride price/walwar	1	2	88
4.27.3	Forced marriages/xhag	1	2	88
4.27.4	Marriage to the Quran	1	2	88
4.27.5	Watta satta	1	2	88
4.27.6	Jahez	1	2	88
4.27.6	Live burial			
4.27.7	_____ : (Other (please explain	77		

4.28 Who are usually the victims of customs that violate fundamental rights? (Mark against each category)

Response		Yes	No	Don't know
4.28.1	Married men	1	2	88
4.28.2	Unmarried men	1	2	88
4.28.3	Married women	1	2	88
4.28.4	Unmarried women	1	2	88
4.28.5	Children	1	2	88

4.29 Who generally encourages discriminatory customs that violate fundamental rights? (Mark against each category)

Response		Yes	No	Don't know
4.29.1	Male family members	1	2	88
4.29.2	Female family members	1	2	88
4.29.3	Tribal elders	1	2	88
4.29.4	Community members	1	2	88
4.29.5	Religious clergy	1	2	88
4.29.6	Politicians	1	2	88
4.29.7	Media	1	2	88



4.30 What are the reasons behind the existence of these tribal customs? (Mark against each category)

Response		Yes	No	Don't know
4.30.1	Family honour	1	2	88
4.30.2	Rejection of marriage proposal	1	2	88
4.30.3	Revenge	1	2	88
4.30.4	Land disputes	1	2	88
4.30.5	Matrimonial disputes	1	2	88
4.30.6	_____:(Others (please explain	77		

Honour killing

4.31 Is killing women the only way to restore honour? (Single response is possible)

Yes	No	Don't know
1	2	88

4.32 Are women killed on proof or mere suspicion of infidelity? (Single response is possible)

Response	Code
Killed on proof of infidelity	1
Killed on suspicion of infidelity	2
Other (please explain): _____	77
Don't know	88

4.33 Who are usually the victims of honour killing? (Mark against each category)

Response		Yes	No	Don't know
4.33.1	Married men	1	2	88
4.33.2	Unmarried men	1	2	88
4.33.3	Unmarried women	1	2	88
4.33.4	Married women	1	2	88
4.33.5	Children	1	2	88

4.34 Who generally encourages honour killing? (Mark against each category)

Response		Yes	No	Don't know
4.34.1	Male family members	1	2	88
4.34.2	Female family members	1	2	88
4.34.3	Tribal elders	1	2	88
4.34.4	Community members	1	2	88

4.34.5	_____:(Other (please explain	77		
--------	------------------------------	----	--	--

4.35 What are the reasons behind honour killing? (Mark against each category)

Response		Yes	No	Don't know
4.35.1	Family honour	1	2	88
4.35.2	Rejection of marriage proposal	1	2	88
4.35.3	Suspicion of betrayal	1	2	88
4.35.4	Matrimonial disputes	1	2	88
4.35.5	Psychological illnesses		1	
			2	
			88	
4.35.6	_____:(Other (please explain	77		

SECTION 5: ROLE OF JUSTICE MECHANISMS IN HONOUR CRIMES

5.1 Are you aware of the following institutions and actors? (Mark against each category)

Name of institution/actor		Yes	No	Don't Know
5.1.1	Superior courts in Pakistan (Supreme Court and High Courts)	1	2	88
5.1.2	Lower courts in Pakistan (Judicial Magistrate, District & Sessions Courts)	1	2	88
5.1.3	Specialised Anti-Terrorism or Narcotics Courts	1	2	88
5.1.4	Federal Shariat Court	1	2	88
5.1.5	Dar-ul-Aman	1	2	88
5.1.6	Human Rights Commission of Pakistan		1	
			2	
			88	
5.1.7	<i>Jirga/panchayat/faisalo</i>	1	2	88
5.1.8	Police Department	1	2	88

5.2 Do you have the following institutions in your community/area? (Mark against each category)

Name of institution/actor		Yes	No	Don't Know
5.2.1	Superior courts in Pakistan (Supreme Court and High Courts)	1	2	88
5.2.2	Lower courts in Pakistan (Judicial Magistrate, District & Sessions Courts)	1	2	88
5.2.3	Specialised Anti-Terrorism or Narcotics Courts	1	2	88
5.2.4	Federal Shariat Court	1	2	88
5.2.5	Dar-ul-Aman	1	2	88



5.2.6	Human Rights Commission of Pakistan	1	2	88
5.2.7	Jirga/panchayat/faisalo	1	2	88
5.2.8	Police Department	1	2	88

5.3 Have you or your household members experienced any of the following? (Mark against each category) *If No to each category then skip to question 5.14*

Response		Yes	No	Don't Know
5.3.1	Honour killing	1	2	88
5.3.2	Abduction/kidnapping	1	2	88
5.3.3	Domestic violence	1	2	88
5.3.4	Suicide	1	2	88
5.3.5	Rape	1	2	88
5.3.6	Sexual assault	1	2	88
5.3.7	Stove burning	1	2	88
5.3.8	Acid burning	1	2	88
5.3.9	Discriminatory customs (<i>swara, bride price, watta satta</i>)	1	2	88
5.3.10	Forced marriages/ <i>xhag</i>	1	2	88
5.3.11	Others (please explain): _____	77		

5.4 If yes, what was your reaction? (Single response is possible)

Response		Code
5.4.1	No reaction (<i>If yes, skip to question 5.5</i>)	1
5.4.2	Resolved conflict within the family (<i>If yes, skip to questions 5.6 & 5.7</i>)	2
5.4.3	Revenge taken by the family	3
5.4.4	Involved the district administration/police (<i>If yes, skip to questions 5.8, 5.9 & 5.10</i>)	4
5.4.5	Accessed the informal justice system (<i>If yes, skip to questions 5.11, 5.12, 5.13</i>)	5
5.4.6	Other (please explain): _____	77
5.4.7	Don't know	88

5.5 What were the reasons for not reacting? (Mark against each category) *Attempt and skip to question 5.14*

Response		Yes	No
5.5.1	Fearful of future violence	1	2
5.5.2	Not supported by families	1	2
5.5.3	Against local traditions/to protect family honour	1	2

5.5.4	Formal system is expensive/no trust in formal system	1	2
5.5.5	Chose to forgive	1	2
5.5.6	Others (please explain): _____	77	
5.5.7	Don't know	88	

5.6 What were the reasons for resolving the conflict within the family? (Mark against each category)
Attempt and skip to question 5.14

Response		Yes	No
5.6.1	Fearful of future violence	1	2
5.6.2	To protect family honour	1	2
5.6.3	Against local traditions	1	2
5.6.4	Chose to forgive	1	2
5.6.5	Others (please explain): _____	77	
5.6.6	Don't know	88	

5.7 How satisfied were you with their involvement? (Single response is possible) Attempt and skip to question 5.14

Response	Very satisfied	Somewhat satisfied	Somewhat unsatisfied	Not satisfied	Don't know
	1	2	3	4	88

5.8 Why did you approach the district administration/police? (Mark against each category)

Response		Yes	No
5.8.1	For immediate arrest of the culprit	1	2
5.8.2	To get justice	1	2
5.8.3	Out of fear for the victim's security	1	2
5.8.4	To set example for the community	1	2
5.8.5	Other (please explain): _____	77	
5.8.6	Don't know	88	

5.9 What were the reasons for choosing to involve the district administration/police to deal with the dispute? (Mark against each category)

Response		Yes	No
5.9.1	Efficient and effective at resolving the dispute	1	2
5.9.2	Close to where I live	1	2
5.9.3	Fair and just	1	2
5.9.4	Follows accepted local norms/values	1	2



5.9.5	Less expensive	1	2
5.9.6	Less corrupt	1	2
5.9.7	Speedy	1	2
5.9.8	Other (please explain): _____	77	

5.10 How satisfied were you with their involvement? (Single response is possible) Attempt and skip to question 5.14

Response	Very satisfied	Somewhat satisfied	Somewhat unsatisfied	Not satisfied	Don't know
	1	2	3	4	88

5.11 Why did you approach the informal justice system? (Mark against each category)

Response	Yes	No
5.11.1 Local custom to approach the informal system in disputes	1	2
5.11.2 Due to the strong/influential role of the village elders	1	2
5.11.3 To get justice	1	2
5.11.4 Out of fear for the victim's security	1	2
5.11.5 To set example for the community	1	2
5.11.6 Don't know	88	

5.12 What were the reasons for choosing to go to the informal justice system to deal with the dispute? (Mark against each category)

Response	Yes	No
5.12.1 Efficient and effective at resolving the dispute	1	2
5.12.2 Close to where I live	1	2
5.12.3 Fair and trusted	1	2
5.12.4 Follows accepted local norms/values	1	2
5.12.5 Less expensive	1	2
5.12.6 Less corrupt	1 2	
5.12.7 Speedy	1	2
5.12.8 Other (please explain): _____	77	

5.13 How satisfied were you with their involvement? (Single response is possible) Attempt and skip to question 5.14

Response	Very satisfied	Somewhat satisfied	Somewhat unsatisfied	Not satisfied	Don't know
	1	2	3	4	88

Informal justice system

5.14 Does the following informal justice system exist in your community/region? (Mark against each category)

Response	Yes	No
Pakhtun <i>jirga</i>	1	2
Baloch <i>jirga</i>	1	2
<i>Panchayat</i>	1	2
<i>Faisalo</i>	1	2
Others (please explain): _____	77	
Don't know	88	

5.15 How far is the informal justice system relevant to redress the grievances and impart justice to victims of honour crimes? (Single response is possible)

Response	Code
Very relevant	1
Somewhat relevant	2
Somewhat irrelevant	3
Very irrelevant	4
Don't know	88

5.16 If yes, should they be abolished? (Single response is possible)

Response	Code
Yes	1
No	2
Don't know	88

5.17 Does the informal system fairly and effectively resolve these issues? (Mark against each category)

	Response	Yes	No	Don't know
5.17.1	Honour killing	1	2	88
5.17.2	Abduction/kidnapping	1	2	88
5.17.3	Domestic violence	1	2	88
5.17.4	Suicide	1	2	88
5.17.5	Rape	1	2	88
5.17.6	Sexual assault	1	2	88
5.17.7	Stove burnings	1	2	88
5.17.8	Acid burnings	1	2	88
5.17.9	Tribal customs (<i>swara</i> , bride price, <i>watta satta</i>)	1	2	88



5.17.10	Forced marriages/xhag	1	2	88
---------	-----------------------	---	---	----

SECTION 6: IMPACT/PREVENTION OF HONOUR CRIMES

6.1 What are the impacts of honour crimes on the victims? (Mark against each category)

	Response	Yes	No	Don't know
6.1.1	Physical illness	1	2	88
6.1.2	Psychological problems	1	2	88
6.1.3	Social boycott	1	2	88
6.1.4	Economic impact	1	2	88
6.1.5	Other (please explain): _____	77		

6.2 Who are indirectly affected by honour crimes? (Mark against each category)

	Response	Yes	No	Don't know
6.2.1	Children of victims	1	2	88
6.2.2	Immediate family of victims	1	2	88
6.2.3	In-laws of the victims	1	2	88
6.2.4	Community/tribe	1	2	88
6.2.5	Other (please explain): _____		77	

6.3 What social steps should be taken to prevent honour crimes? (Mark against each category)

	Response	Yes	No	Don't know
6.3.1	Education	1	2	88
6.3.2	Creating awareness through media	1	2	88
6.3.3	Awareness sessions on fundamental rights by NGOs and human rights activists	1	2	88
6.3.4	Reform informal justice system	1	2	88
6.3.5	Ban informal justice system		1 2 88	
6.3.6	Ban discriminatory social customs/norms	1	2	88
6.3.7	Availability of legal aid for women/men facing matrimonial disputes	1	2	88
6.3.8	Availability of civil society and government run women's shelters	1	2	88
6.3.9	Free medical treatment/counselling sessions	1	2	88

D7.3 Education level of respondent

Response	Code	Response	Code
Not schooled	1	Schooled up to intermediate level	6
Religious education only	2	Schooled up to bachelor level	7
Schooled up to primary level	3	Master degree	8
Schooled up to middle level	4	Professional education (doctors, lawyers and engineers)	9
Schooled up to Secondary Certificate level (Metric)	5		

D7.4 Education level of head of the household

Response	Code	Response	Code
Not schooled	1	Schooled up to intermediate level	6
Religious education only	2	Schooled up to bachelor level	7
Schooled up to primary level	3	Master degree	8
Schooled up to middle level	4	Professional education (doctors, lawyers and engineers)	9
Schooled up to Secondary Certificate level (Metric)	5		

D7.5 Monthly income of respondent's family in PKR – If respondent refuses to disclose the income of the household, ask for overall expenses and circle the appropriate code

Response	Code	Response	Code
Up to Rs 3000	1	Rs 10001 – Rs 15000	5
Rs 3001 – Rs 5000	2	More than Rs 15000	6
Rs 5001 – Rs 7000	3	Refused to answer	7
Rs 7001 – Rs 10000	4		

D7.6 Occupation of respondent

Response	Code	Response	Code
Agricultural labourer	1	Provincial civil servant	12
<i>Chowkidar</i> (watchman)	2	Skilled labourer	13
Civil servant	3	Small business owner	14
Clerical employee	4	Teacher	15
Farm owner	5	Technician	16
Home-based worker	6	Unskilled labourer	17
Lady health worker/visitor (LHW/V)	7	Student	18
Large business owner	8	Housewife	19

White-collar employee	9	Unemployed	20
Management/supervisor	10	Other (specify)	77
Military, police, security personnel	11		

D7.7 Marital status of respondent

Response	Code	Response	Code
Married	1	Single	4
Widowed	2	No response	99
Divorced	3		

D7.8 Religion of respondent

Response	Code	Response	Code
Christian	1	Hindu	4
Sikh	2	Other (specify)	77
Muslim	3	No response	99



Read closing statement to the respondent: "Thank you for participating in our survey. Do you have any questions? In the next few days my supervisor may contact you to evaluate the quality of my work and answer any other questions you may have about the interview. To help him do that, could I have your telephone number?"

Respondent information:

Name: _____

Address: _____

Tel. no. _____

NIC number _____

Interviewer certification: "I certify that I have completed this interview according to the instructions provided to me."

Name: _____

Signed: _____

Date: _____

To be completed by the supervisor:

Interview subject to back-check/control

1. Yes 2. No

Method of back-check/control

1. Direct supervision during interview
2. Back-check in person by supervisor
3. Back-check by telephone by supervisor or the central office
4. Not subject to back-check

Initial questions (*for interviewer only*)

Name of surveyor: _____ Date of interview: _____

Province: _____ District: _____

Tehsil: _____ Village/Area: _____

[1] Rural

[2] Urban





Community Appraisal &
Motivation Programme