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**HONOUR KILLINGS AND THE QUEST FOR JUSTICE IN
BLACK AND MINORITY ETHNIC COMMUNITIES
IN THE UK**

AND

**MOVING TOWARD A “MULTICULTURALISM WITHOUT
CULTURE”: CONSTRUCTING A VICTIM-FRIENDLY
HUMAN RIGHTS APPROACH TO FORCED MARRIAGE
IN THE UK**

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The notion of 'honour' acts as a smokescreen, a nod to an extrinsic value system that masks the fact that judgments about 'honour' are made according to internally defined, gendered criteria. The problem for those wishing to understand the issue from an external point of view involves the fact that there is conflict between patriarchal systems which have deep historical and cultural roots, and systems founded on principles of equality (i.e. equal rights or equality before the law.) However, it is the contention of this article that violations of these latter principles should no longer be allowed to be used to support the preservation of cultural values in minority communities, when those cultural values are fundamentally at odds with concepts of equality and human rights held by the wider society. Patriarchal communities often seek to establish their own autonomy, with their own laws, within (or even apart from) UK society, when these communities should be governed by the laws and principles of the wider society of which they are a part. And, most importantly, women in these communities must not be victimized for adopting norms and behaviors that are accepted, and even endorsed, in this larger society.

In an 'honour'-based society, the man is defined as the head of the family, no matter how much value is attributed to female activities. The man is the defender of his and the family's 'honour': it is his duty to defend it against any behavior that might be seen as shameful or humiliating by his community. He is expected to protect "his" women, whom he regards as his property, for as long as he values them as a resource; they effectively function as symbols of "honour." To illustrate this by example: in some 'honour'-based cultures, the woman's hymen is regarded as a symbol of the family's "honour," and, for this reason, some communities (especially, although not exclusively, those in certain parts of Africa) practice FGM, on the grounds that this activity is done in order to protect the family's 'honour' (Peristiany & Pitt-Rivers, 1992.) In this, as in other cases of HBV, a cultural tradition is used to justify violence against women, and the woman's health and well-being are subordinated to notions of family "honour." And it is precisely because the notion of 'honour' underlies so many forms of gender-based violence across the world that HBV cannot be studied, or even understood, in isolation from other forms of VAW and the particular societal context in which such violence occurs.

This argument marks a radical departure from scholarly tradition, however, because HBV has historically been defined as a category of violence quite distinct from VAW. HBV is usually differentiated from other forms of domestic violence on the grounds that it (a) occurs within the framework of collective family structures, communities and societies; (b) involves a premeditated act, designed to restore a societal construction of 'honour' as a value system, norm or tradition; and (c) is based on men's putative right to control women's sexual and social choices, with a concomitant perception of women as the property of men (Sen, 2003; Welchman & Hossain, 2005.) The traditional view of HBV is that it is a unique category of violence that encompasses a broad range of violent crimes, most of which are committed against women and girls. Forced marriage and FGM are treated alongside other 'honour' crimes," such as 'honour' revenge, forced virginity, forced hymen repair, forced abortion, imprisonment of partners, and other forms of coercion and abuse (Dustin, 2006.)

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The problem is further compounded by the fact that the women themselves often do not recognize that they are victims of gender-based violence, but interpret their treatment as an intrinsic part of their culture. Typically, a woman who lives in an 'honour'-based society learns either that she is not regarded as a human being, or that she is not equal to her male counterparts. The socialization of young women in such societies revolves around notions of family 'honour' and cultural norms which become so deeply internalized that women often find it difficult to break away from these values. As a result of this socialization, many women feel that they are to blame

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deeply embedded in the larger operations of patriarchy within these communities. Specifically, 'honour'-based violence is a fundamental strut of the patriarchal order,

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male and female family members typically try to cover up these crimes. Many victims of HBV are abducted: they disappear and are never reported missing (Dustin, 2006.) The few 'honour' killings reported in Europe to date have occurred in migrant communities, and have mainly involved Asian, Turkish, or Kurdish communities. The victims, in many of these cases, had also experienced forced marriage.

Governments and non-state actors, throughout the world, have identified HBV as a growing problem which requires urgent attention, in the form of establishing both short- and long-term preventative and educational initiatives. In 2004, the Netherlands NGO TransAct, for example, launched a National Platform Against Honour Related Violence to exchange information and expertise and to develop collaborative endeavours between European countries. In November 2003, the Swedish Minister of Democracy and Integration Issues convened an expert panel on HBV. Sweden is also the base of a cross-European project on HBV, initiated by an NGO called Kvinnoforum and supported by the European Union. These initiatives were established in an attempt to create a knowledge base about HBV, and to promote the sharing of good practice across Europe. For example, in 2004, Stockholm hosted an international conference which culminated in The Stockholm Declaration to Combat Honour-related Violence in Europe. The strategies outlined in the declaration consist of both preventative and punitive measures; these measures recognize that awareness-raising in the communities concerned must play a key role in tackling the issue.

Although none of these countries have suggested that 'honour' crimes should comprise a specific category within the legal system, in policy terms they do tend to be treated as distinct from non-'honour'-based VAW. For instance, in the UK, many NGOs that are focused on women's cause do use the term VAW, rather than domestic violence or HBV, to define these crimes, because VAW encompasses the range of violence that women from

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Oriental and African Studies (University of London) and the International Centre for the Legal Protection of Rights (INTERIGHTS). At a grassroots and casework level, there are a number of community and women's groups, including Newham Asian Women's Project, Southall Black Sisters, and Kurdish Women Action against Honour Killings, which have been campaigning for many years to bring the true incidence of HBV to light.

More recently, the Metropolitan Police Service (MPS) has taken the lead in the effort to prevent HBV. The immediate catalyst for this work was the extensive media coverage, in 2002, of the murder of a 16-year-old Turkish Kurd, Heshu Younes, who was killed by her father after

The Case of Banaz Mahmud

This case exemplifies both the patriarchal underpinnings of HBV and the relative inadequacy of the state response to the problem. In 2005, 20 year-old Banaz Mahmud tried to escape from some of her family members, who were threatening to kill her. Her family had recently arranged her marriage to a cousin in the family clan group. Shortly after this, Banaz sought a di

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people other than spouses and partners: as the Banaz Mahmud case showed, HBV tends to be perpetrated not only by husbands and sexual intimates, but also by family

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Kelly, & Radford, 1995.) Banaz appealed to the authorities long before her murder. Her treatment by the investigating officers led to her being handed back to the men who killed her. Due to the fact that VAW is currently viewed as a matter of public concern, if women do not seek to remedy their problem through public means (i.e. in the manner dictated by the state), then they are accused of manipulating the system for private ends; this means that they are often denied assistance. Thus, they are forced back into the private realm, where they are susceptible to further violence.

The resolution of the high-profile case of Banaz Mahmud (as well as evidence disseminated by the CPS in 2007) shows that ‘honour’ killings are now seen by the police as serious crimes which require a policy of deterrence and, concomitantly, harsh punishment for offenders. The fact that there have been discussions about producing national guidelines, and also training for all police officers, shows that the police and CPS are now taking the issue of ‘honour’ killings increasingly seriously. Nevertheless, merely “talking the talk” is where things stand in 2009: the situation is mired in discussions about how to move forward, hindering the implementation of changes on the ground intended to make women feel safe enough to report the violence perpetrated on them by their families.

There is thus a growing sense of uncertainty whether the push towards the greater criminalization of HBV is actually a victory; there is even some doubt as to whether or not it is actually appropriate in all cases. For example, research on forced marriages carried about by leading black and minority ethnic support services for women and girls experiencing this form of gender-based violence have questioned whether criminalization alone can address the root causes of the problem. Although it is clear that the police are trying to adapt to meet the growing demands of the problem, their response to recent cases of forced marriage and ‘honour’ killing contains a myriad of competing rationales that are simultaneously both progressive and paternalistic (*see attached forced marriage paper*). Too often they either minimize the severity of the violence in their reports and responses, or implicitly blame the victim for not leaving her family. And, despite years of training initiatives, police officers do not always believe women’s stories. The issue of victim credibility was particularly evident in the Banaz Mahmud case, but it is an endemic problem that still hinders the quest for justice. Often, when police condemnation of HBV occurs, it derives from notions that South Asian women are a vulnerable group in need of protection; this belief tacitly reinforces the subordinate status of these women by promoting the view that the police need to provide legal protection, instead of personal safety, for these women.

There is a growing consensus that there is an urgent need for policing and criminal justice efforts to go beyond policy and push towards broader social change. Improving specialist long-term services for women, which are designed to respond to different types of VAW, are part of the solution. There must also be a change in what Scheppele (1992) refers to as the “habits of belief” (p. 124) which persist across the criminal justice system and result in women always being treated in the same way. For instance, Black and Minority Ethnic and Refugee (BMER) women who suffer domestic violence do not get help until they have had, on average, 17 contacts with agencies; for white women, it takes 11 contacts on average (Brittain, 2005). Only after

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these habits of belief change will the discourse on VAW in BMER communities also change; only then will the overarching quest for justice in cases of VAW contribute to, or least not undermine, the continued emancipation of women.

Shortcomings of Current Societal Responses to HBV in the UK

It is difficult to be optimistic about the possibilities for a speedy elimination of HBV. Crimes of ‘honour’ are the product of long-standing cultural practices designed to control and subordinate women by whatever means necessary. While local and international activists continue to work to eradicate HBV, there is still a lot to be done. For example, current UK asylum and immigration law is often interpreted in such a way that gender-based persecution is not recognized as a legitimate reason for granting asylum (Siddique, Ismail, & Allen, 2008.) This must change. Until the problem of gender-based persecution is confronted at its source, society must ensure that its victims are granted the right to live in a safe place. Programs for the prevention of VAW cannot succeed without challenging the unequal power structures governing relationships between women and men: that is, by confronting the root cause of the problem. As UN Special Rapporteur on Violence Against Women, Yakin Erturk, has argued (2007), a gender-sensitive response must be adopted in order to end all forms of VAW. What this means is that ‘honour’-based crimes must be recognized for what they are, crimes against women, and the products of societies structured along explicitly patriarchal lines. There must be cultural sensitivity to the context in which these crimes take place, but not for the sake of even-handedness—cultural sensitivity must be there to help support agencies help and understand those women who are the victims of these crimes.

In the UK, although some positive steps have been taken to address VAW, there is an urgent need to strengthen access to specialist services, provide legal and institutional frameworks for the protection of women, combat gender-based discrimination, and tackle extreme socio-economic inequalities. Article 4(c) of the Declaration on the Elimination of Violence against Women (2008) insists that states must “Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.” The failure of states to exercise due diligence constitutes a violation of the human rights of women. Due diligence has consequently become a term intimately associated with women’s human rights advocacy, as well as with demands for state accountability for VAW. However, despite the frequent use of the term, neither the government nor civil society seem able to establish consensus, or even clarity, about what the standard of due diligence requires (Erturk, 2007.)

But VAW must not be approached from this one direction alone: the VAW agenda is not only about responding effectively to violence when it occurs, but also about preventing VAW from happening in the first place. Many practitioners in the sector have argued that gender inequality is not a simple consequence of the failure to implement otherwise egalitarian policies; in fact, subsuming the question of gender within the broader scope of human rights discourse ignores the particular ways in which women confront exploitation and violence as a result of their gendered, raced, and classed locations (Anthias, 2002; Brah, 2000.)

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Addressing the need for international cooperation in dealing with questions of gender justice, in the context of VAW, is essential for long-term change. Although cases like that of Banaz Mahmud receive a great deal of public and press interest, and inspire improved responses to such crimes, the most important issue is to understand why HBV occurs in the first place. Despite the historically unprecedented way in which VAW is now recognized as a key human rights issue, working to prevent

(HASC Press Release, 2008)

The heart of the issue is this: without a system of values and actions to underpin individual activities, a long-term plan for managing the process of the elimination of all forms of VAW, a pragmatic sequencing of interventions aimed at challenging the normalized acceptance of VAW, and sustainable, carefully constructed strategies, then interventions to stop the killing and abuse of women are likely to have little long-term impact.

Serious problems persist, both in law and in practice. To deter new and recurrent patterns of VAW, punishments for both men and women who perpetrate VAW must be imposed with greater consistency, severity, and celerity. The most common complications in achieving these goals stem from the facts that the justice system is fraught with bias, police are unresponsive and ineffective, and some judges appear to consider 'honour' crimes insufficiently serious to merit undertaking the complex process of extraditing offenders (Justice for Surjit Campaign, 2007.) Although a legal framework has been established to protect women from violence, the ineffectiveness of specific laws and the lack of specialist support agencies mean that women from all communities remain at risk.

Although the legal system can provide some protection to women, there must be an acknowledgment of the limits of the law: only a small proportion of perpetrators of VAW come before the courts, and only a tiny proportion of all these cases come to trial. Therefore, a system of parallel justice is essential; this should be based in the communities where the offences occur. This approach would offer a constructive way forward, avoiding a sole reliance on the formal, institutional power of the legal system. More thought should be given, in the design of preventative strategies, to the potential for informal, proactive community responses to HBV. A better understanding of the ways in which 'honour'-based communities interface with institutions would allow support agencies to confront the perpetrators more effectively and to support and protect the victims. In this way, the legal system, as argued by Lewis (2004), can be seen as just one aspect of a more comprehensive social response.

Developing a coherent national and international response to the problem of HBV is urgently needed, especially amid rising international attention to the issue. This response, however, needs to go beyond data collection and monitoring, and the development of tools for risk assessment. It also needs to involve measures and procedures that foreground resource allocation, and which are defined by a duty to provide safety and justice for vulnerable women, if it is to accomplish a shift in the way that this form of VAW is addressed. Despite the fact that the discourse on human rights claims that all rights are universal, inalienable and indivisible, in reality, political and cultural rights take precedence over economic and social rights. Activists and scholars working in the UK South Asian feminist movement have raised concerns about the lack of commitment to, and investment in, systems for delivering support services that would dramatically improve the lives of women and children subjected to VAW (Horvath & Kelly, 2006). Inequalities remain, both in terms of tackling this

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as a serious crime and promoting equality of access to justice through the appropriate allocation of resources.

HBV is a complex social crime comprising many different elements, all of which revolve around the systematic subordination of women in the communities which practiced and condone it. Both the police, and the UK government, have begun to take the issue of HBV more seriously, but their approach is still depressingly linear and unipolar, focused, as it is, on criminalization. There is no “quick fix” for this seemingly intractable problem, but one thing is clear: ‘honour’ crimes are crimes against women. Until this key element of HBV is acknowledged, there can be little hope for progress.

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question whether a controversial aspect of multiculturalism – the ‘right to exit’ – can be useful for women within minority groups living in a multicultural society as a viable solution for fighting gender-based violence. On this point, it is argued that the ‘right to exit’ is a fundamental aspect – and even the theoretical mainstay – of UK government policy, and one that we feel typifies the failings of a particular brand of multiculturalism which, in our view, is neither nuanced nor reflective of contemporary society. ‘Right to exit’ is a barrier for the achievement of a coherent recuperative strategy for FM; one which has its origins in an unsophisticated multicultural approach, and which leads away from the need to address FM from a violence against women or ‘victim-friendly’ perspective. Having established the case against this aspect of government policy that, it is proposed that the greatest obstacle to the creation of a new, forward-thinking, multicultural approach to FM.

The chapter concludes by suggesting measures and policy recommendations for tackling the problem in a more unified, holistic way that addresses the complexity of the debate on FM by focussing the policy debate on the rights and conditions of women victims. We propose to do this by making two fundamental arguments. First, contention is that government intervention should be theoretically underpinned by values of ‘multiculturalism without culture’. Secondly, more practically, the proposal for using re-worked human rights perspective for ameliorating FM. In adopting such a strategy, the UK government will necessarily avoid views of cultural essentialism, instead basing its strategy on the achievement of gender rights and gender equality as a necessary condition for women to wage more localized struggles (such as opposition to FM) against patriarchy in minority communities.