

Honor Killing Phenomena in Pakistan

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Abstract

Honor killing is a persistent phenomenon not only in Pakistan but many other parts of the world. The paper addresses the case of Pakistan including the concept of honor killing, reasons, latest cases as well as the efforts to reduce the honor killing. The article also talks about the deficiencies left in the previous amendment that directly relevant to the problem but still not tackled by the legislature. The article analyzes the latest amendments, its improvements and the deficiencies that further need to be addressed to eradicate the problem forever. The paper in the last section also provide evidence of the compliance of international obligation regarding protection of women's right. The article identifies the element that is keeping the practice of honor killing and recommend to amend the law to tackle that element as well.

Keywords: honor killing, Pakistan, women's right, CEDAW, amendment

1. What is Honor Killing?

suspecting that women commit any of these violations is enough to trigger this act. No additional reason is required. In most cases, the woman is killed by her father, brother, uncle and even her husband, although other women in the family are usually equal perpetrator in the crime. Those truly responsible for these crimes are often praised for restoring family honors, and if brought to justice, they are often sentenced to reduced punishment for extenuating circumstances. To avail the judicial leniency, an underage man is often chosen to commit crimes. In some societies, the implementation of honor crimes can be seen as a '*rite de passage*' to show and guarantee social maturity. Honor killing against women and girls have taken place in the following countries on a big scale: India, Pakistan, UK, Germany, Turkey, Afghanistan, Saudi Arabia, Iran, Iraq, Palestine, Jordan, Algeria, Yemen and many more countries. (Note 1, 2, 3, 4, 5)

With its occurrence in Muslim majority societies, the honor killing is mistakenly stipulated with the religion and the continuation of it is considered as religious concession. When the actual fact is pretty different from this perception. Islam as a profound religion ensures the protection of women rights and no instance ratifying this practice can be found in the Qur'an or in the Hadiths (Schacht, 1964). Even some Muslim majority countries have less or no evidence of honor killing practice. The prime example of these countries are Indonesia and Malaysia. In traditional patriarchal society, the inheritance is paternal, and the family or kinship is the basic social, economic and political unit. The continuity and persistence of that kinship structure depends upon the reproductive ability of the women. And the family to ensure legitimacy of children, hence emphasis on no compromise of women's sexual and reproductive powers. In such societies, the rights and status of the individual are subordinate to those of the family group. In such a society, one's rights and status often subordinated to the discretion and status of family groups. In a strong patriarchal society, women are often treated as minors throughout their lives and simply switch from being the property of their father to the property of their husband's family, without getting any independent voice in political and economic affairs. (Note 6, 7, 8)

Matthew A. Goldstein, J.D. (Arizona), noted that the practice of killings on the pretext of honor were present and appreciated in ancient Rome (Goldstein, n.d.). The legal texts found in enclaves of history that grant the violent treatment towards women for their expression or intention of sexual independence, antecedes Islam, particularly in the codes of Assyrian and Hammurabi law which dates back to 6000 BC. The practice in ancient Rome, was dominated by the male members, such as patriarchs preserved the legal power over all members of their families even the matters of life and death, and even the male members were have to bear punishment for, if they don't take any measure to punish the female violator of family code or the chastity code. In Albania during medieval period, the killing of an adulterous or the one who is believed to have committed the adulterous acts were

eligible for punishment (Honor Based Violence Awareness Network) (Hawwa, n.d.). It clearly provide evidence of honor killing phenomena predates the revelation of Islam and have historical roots emanates practice of ancient cultures and traditions. (Note 9)

Specifically, the origin of the intentional homicide of women originated from the ancient desert tribes in order to maintain their honor, where woman was considered to be the treasure box of her family honor (Ruane, 2000). The tribal communities endorse honor or *ghairat* as an essential element of one's stature in the society (Ruane, 2000). This also include the counts of wealth and property. women, who are owned by a father, a husband or a male relative, are valued for their fertility and treated as a commodity that can be purchased by men through dowries (Vitoshka, 2010). Therefore, in this culture, women become an investment for a man to be made for his honor, and standing in the society which is also important for the continuation of his race, and also give a presumptive legitimatization to offset harm and restore his reputation destroyed by the act of women by punishing her. On the potential or express deviation of the women in this setup, men would kill women to hide his shame, publicly demonstrate his power, and avoid being considered "socially impotent" and *beghariat* by the community (Ruane, 2000). (Note 10, 11)

2. Reasons for honor killing in Pakistan

In Pakistan, a number of women of different age group fall victim of honor killing for varying reasons (PHYLLIS CHESLER, 2009). The causes include lack of education, poverty, tribal laws, *jirga* system (Faqr & Atta, 2013), religious mind set, culture, customs, provoking by community, settling of debts, divorce or marriage against the will of family, family enmity, etc. This provides no exhaustive list of causes of honor crimes which carried out in Pakistan. The practice of this socially accepted crime and uncontrolled increase is a ridicule of law and mortality. Among the victims of honor crimes in Pakistan are females of all age from 3-90 years old, married and unmarried, rural and urban resident etc. An important motivation responsible for the increase in this wicked crime is impunity of the perpetrator, which he enjoys despite the commission of crime. Even if the crime is reported and the perpetrator appears before a court of law (which is quite rare), the male dominated society and its effect also found in judicial system of Pakistan, which instead of giving exemplary punishment rather gives lighter punishment. (Note 12, 13)

It is difficult to specifically designate number of activities as potential reasons for honor killing, however, any illegitimate action or any legitimate action at wrong place can trigger the so-called flair of maintaining honor. Some honor crimes are motivated for property, inheritance and monetary gains, and the smaller the number of successors the smaller the prospects of division of the ancestral property. Occasionally, when a woman is killed as declared Kari with any rich man, the fiscal compensation is received to forgive the alleged Karo. Karo became tradition bound to pay the penalty to save his life, no matter the charge is credible or not. The following cases can give a glimpse of instance of feminine activities that ignited the masculinity of the family members. (Note 14, 15)

3. Latest cases of honor killing in Pakistan

On September 25, 2017, a man killed his two daughters in Peshawar on the allegation that they had illicit relations with boys, and "ashamed, of the acts of his daughters and killed both. In Pakistan, where there is patriarchal culture and domestic violence is rampant, it is common for males to kill female relatives as punish for behavior they deem unacceptable. In majority of reported cases of honor killing, the strictest punishments on the acquisition of "honor" come from *jirgas*, tribal and village councils, which are usually male-dominated bodies. No credible official figures of killings done on the pretext of honor can be found because they often go unreported or are portray as natural death or suicide, by the legal heirs. But to give as a reference, the number of women killed by the close family members in 2017 has reached to 94 in Khyber-Pakhtunkhwa province. (Note 16)

In August the same year in the provincial capital of Sindh Province, Bahkt Jan and Ghani Rehman age 15, and 17, were murdered by giving electric shocks by the family on the verdict of a *jirga* on the accusation that the decision to elope violated the "honor code." Also, a Lahore resident man beheaded his wife for her refusal to quit job of a factory worker. A tribal *jirga* in Khyber agency in June, ordered to kill Naghma age 13. The reason for this verdict was her alleged "running away" with a man. Although, she was afterward saved by security forces. In October 2016, after Qandeel Baloch, a Pakistani model, was killed by her brother, following public protests the parliament passed an "anti-honor killing law". The new law included harsher punishments and further closed the loopholes which previously grant legal heirs authority to pardon the perpetrators who are mostly also relatives. An unreported case of honor killing published in a newspaper which states that a girl named Shams was stoned to death by a mob of villagers lead by her uncle and parents in the name of honor. Her only crime

was dancing at marriage of her cousin which is considered as a normal occurrence at weddings in Pakistan but her act of dancing not considered morally right by her uncle.

Further cases include, honor killing happened on April 7, 2018, when a brother murdered his eight months pregnant sister for contracting marriage of her own. He killed his sister after father of the woman declared her 'kari,' and instigated his son to kill his sister as a verdict during jirga. The victim's only guilt was her married to a man of different caste in a court of Sukkur in August 2016 without permission of her family and was mother of child. Another incident happened on the same day when a mother of four killed by family members on the similar grounds of dishonoring the family. (Note 17)

This heading provides and examines a number of latest cases of honor killings happened in Pakistan. Despite the illegal nature of honor killing and other honor crimes, there still remains fundamental loopholes in the criminal law addressing this, and largely remains ineffective and proves deficient to provide relief to the victim. As the human rights activists had civil society has urged and envisioned, the gaps in the criminal law are summarized below. (Note 18)

4. Persistence of honor killing phenomenon

In Pakistan, two legal forums decide the crimes of honor killings, i.e., informal legal system called the tribal justice system or Jirgas as mentioned before and formal judicial institutions. The informal system of legal adjudication is based on tribal rules, commonly called as the "honor code", and is administered by a tribunal of quasi-judicial nature, generally called 'Jirga's", typically biased against women. It was declared illegal in 2006 by the Supreme Court of Pakistan but again declared legal in 2017. The bill called Alternate Dispute Resolution (ADR Bill-2016) which passed in February 2017 and the ADR system is empowered to handle 23 types of criminal and civil disputes. The formal legal system comprised of a body of law with combined influence of the English common law, Islamic law and the prevailing customary law. It has a formal hierarchy of courts established under the authority of Constitution of Pakistan. Both the systems of justice are important to mention here because the problem persist in both the systems. (Note 19)

In Pakistan, honor killings are persistent problem for years despite the judicial efforts to stop it. Until 2004, no specific statute deal with the issue directly. Consequently, there is a bulk of pre-2004 jurisprudence that provides discriminatory judgments and narrow interpretations since long time. In 2004, an amendment to the criminal law also referred to as honor killing law brought changes in the criminal law and criminal procedure. Before going into further details of the 2004 amendment to the Criminal Law and Criminal Procedure Law, it is important to first mention the pre-2004 amendment practice and situation of law. Warraich (2005) notes, the exception of "grave and provocation plea" was a pre-partition norm that a husband could benefit from, in case he murders his wife or lover his wife if they are guilty of adultery. The post-partition debates related to the issue of Islamization of the laws, focus especially the criminal law reforms relating to injury and murder, specifically relating to the prosecution of honor killings. The promulgation of Qisas (retribution i.e. death sentence) and Diyat (giving compensation) Ordinance emphasized on the elimination of anti-Islamic elements of criminal law and made a number of changes to the existing criminal law.

Firstly, the crime of homicide and manslaughter divide into four new categories. Secondly the sentence was given on the basis of relationship of the offender and proof with the deceased rather on the severity of crime and facts. Qisas, tazir and diyat are alternative kinds of punishment. Specific strict requirements need to be fulfilled to enforce qisas; such as full voluntary confession before the competent court or the valid testimony of requisite witness. In the absence or non-fulfilment of these requirements, the accused offender will be liable to be sentenced under *tazir*; which is the system of sentence of imprisonment or death sentence under normal law. Certain circumstances of crime e.g. murder by mistake, and certain relatives are also exempted by the law for heavier punishment but being only liable for diyat. Thirdly, the retributive punishment of qisas shall not enforce where it is not applicable according to the injunctions of Islam. Lastly, the law also grants formal permission to the heirs of victim, either in murder or bodily injury, to forgive an individual or accused or to enter into a compromise for compensation. The law after incorporation of changes indirectly authorize the honor killings. The concept of *masoom ud dam* was as someone who was not entirely innocent, thereby attributing the term to the victims permit murderers receive lesser sentences by declaring their victims masoom ud dam. Self-defense was also used as an exception to qisas and ultimately a good exception to honor killing. (Note 20, 21, 22)

5. The Criminal Law (Amendment) Act 2004

In 2004, after years of continuous struggle from civil society, the Government hence passed an act declaring "honor" crimes, especially "honor" killings illegal. The Criminal Law (Amendment) Act 2004, in its particular nature specifically address the provisions that cover honor killing punishment, also expressed as the Honor

Killing Law and a number of changes were made in the Code of Criminal Procedure (CrPC) 1898 and the Penal Code of Pakistan (PPC) 1860, largely comprises of additions to existing provisions to include intentional murder (*qatl-i-amd*) carried out on the cause of “honor”. However, the 2004 amendment didn’t incorporate all changes demanded by civil society despite the huge amount of advocacy and collaboration with parliamentarians. The major changes of the 2004 Criminal Law (amendment) Act are mentioned here.

The most significant addition in the amendment was the insertion of a definition of honor crimes, which define “offence committed in the name or on the pretext of honor means an offence committed in the name or on the pretext of *karo kari*, *siyah kari* or similar other customs or practices,” which tacitly permit family members to kill women or men, on the excuse of having brought dishonor to the family. The judicial discretion was also removed under which the court was empowered to adjudicate where, according to the injunctions of Islam, *qisas* was not applicable. This discretion was removed specifically in the pretext of honor crimes. It also removed the precious practice of the murderer being the accepted as guardian (*wali*), while also directed the State to act as *guardian (wali)* if necessary because if murderer is the guardian, the right of *qisas* cannot be enforced according to the injunctions of Quran and Sunnah. Other changes include the increase in sentence duration from 14 to 25 years. The 2004 amendment also addressed the giving of women as *badl-i-sulah* and made it illegal with certain penalty. Additionally, in cases when any of the *wali* do not compound or waive his right of *qisas*, or where all waive their right but applying the principle of causing chaos or disorder in society in exact terminology said as *fasad-fil-ard*, the court also got the discretion to punish that offender against whom the right of *qisas* is compounded or waived, with a minimum count of imprisonment for 10 years in case of honor crimes. (Note 23)

5.1. Deficiencies in the 2004 Amendment

The 2004 Act was considered as an appreciating effort to discourage the crimes of honor killings but, there remain a number of loopholes that largely made the Act ineffective and fails to provide relief to the victims as envisioned by the civil society and human rights groups. The first and foremost deficiency of the Act was the punishment for “honor” crimes was not made mandatory for all instances of honor crimes. Secondly, the provisions of waiver and compoundability was still effective. There was no exception on the application of the provisions of Sections 309, 310, 311, and 338E PPC in the case of honor crimes to avail waiver and change the category of crime relationship with the victim. Thirdly, as discussed above, the court has discretion to punish the crimes covered in *fasad-fil-ard* category and a minimum count of 10 years imprisonment with a maximum of 14 years as *tazir*. The crime of honor killing also included in the definition of *fasad-fil-ard* only in cases where the right of *qisas* has been compounded or waived by the legal heirs. The discretion of the judge and on the consent of compounding parties, the murderers can get away with minimal penalty or even no penalty. (Note 24)

The definition of honor killing is also not so comprehensive to also include the crimes committed on the excuse of grave and sudden provocation. Further even after the 2004 amendment, there is no any mandatory sentence for the crimes of honor and honor killing. While the difference in the threshold of penalties for the same crime remains a serious concern, for instance: death or life imprisonment, as mandatory punishments in case of no compromise; no penalty or 10-14 years, at the discretion of the court if *qisas* is; acquittal or any amount of *tazir*; at the discretion of the court, if the *tazir* is compounded or waived. The law and imposes no liability on the persons or family members involved in, encourage or validate such killings or *badl-i-sulah* (although forbidden), e.g. family members, jirgas, panchayats are thus prime responsible factors for propagating these practices, hence are equally responsible under the law and deserve punishment. Despite the promulgation of this 2004 Act, it still leave plenty space for exercise of judicial bias for the female gender to interfere and give lenient punishment to murderers, minimal penalty of *diyat* or no penalty (Khan, 2006). These gaps circumvent the whole idea and aim of meritoriously prosecuting perpetrators of honor killings. (Note 25, 26, 27)

6. Recent efforts to control Honor Killings

Recently, with the increase in the incidents of honor killing and the resulting increasing external and internal pressure from international community and civil as well as human rights groups in Pakistan. The Government of Pakistan took step to further legislate for the persisting problem of honor killing. In a joint session of parliament passed the Anti-Honor Killing Bill (2016) on 21st October 2016 and made necessary changes to curb the honor killing practice. The 2016 bill has focused on the remaining loop holes of the 2004 criminal Law amendment. The 2004 amendment as discussed before does not provide any punishment which is mandatory for the perpetrator of honor killing. The punishment for the waiver and compounding under the principle of causing *fasad-fil-ard* was also discretionary to the judge. These lacunas dealt with in the 2016 amendment but still not sufficient enough and comprehensive that it covers all the loopholes. The detailed discussion of 2016 amendment is given in next heading.

6.1. The Criminal Law Amendment 2016

The new legislation has increased the length of imprisonment specifically life imprisonment which according to the criminal law of Pakistan extend to the length of 25 years. The section 311, for the crimes designated as honor crimes, prescribe a mandatory punishment of life imprisonment. The 2004 amendment added the crimes of honor killing in the category of fasad-fil-ard (chaos or disorder in society) and in case of compounding and waiver by the legal heirs, the law gave discretionary power to punish the offender for creating disorder in the society with a term that extends to 14 years. But the 2016 amendment has made this punishment mandatory and any person who commit murder on the pretext of honor will be sentenced for a term of 25 years. This reflects a true effort to curb the long established and ever-increasing habit of honor killing.

However, some loopholes still persist in the amendment, for example, the 2016 legislation recommends 25 years imprisonment for honor killings, even if the relatives of the victim pardon the offender, by subscribing the criminal as one who cause chaos and disorder in the society. According to Sec. 302 of the PPC, the offender in a murder case of a simple nature may get a maximum of death penalty or imprisonment of 14 years. The legislation on honor killings still contain a deficiency for how to differentiate the homicide done on the pretext of honor from the homicide for other reasons such as, in any dispute over property or any other crime that does not fall under the category of fasad-fil-ard etc. Because as discussed before, the important feature of PPC is it come into play on the relationship of offender and crime with victim, and by just changing the category of relationship of crime and victim, one can have lesser punishment. Hence applying this proposition to the new legislation and honor killing, the offender may be willing to be charged with Section 302 rather section 311 of the PPC, and subsequently family members may pardon him under Section 309 of the PPC to avoid the provision of fasad fil ard. This is in fact the main concern that has been nullifying all the efforts from the government to stop the honor killing, because in all honor killings one or more of the family members and relatives commit the murder and other are also abettor or accomplice of the crime.

7. Observance of international obligations

The purpose of human rights law is to protect individuals against exploitations perpetrated by the state and its officials, whereas the abuses committed by private actors including violence against women have traditionally been excluded from the ambit of international human rights law (Cook, 1994). The international responsibility of the State arises not only on the violation of treaty obligation but also because of an illegal act of a private person which violates human rights and the reason it is imputable to a State because of the lack of due diligence of state to prevent the violation not because of the act itself. Honor killing self-evidently violates the right to life of the victim, which is regarded as one of the most fundamental of all rights and is enshrined in all major human rights documents, not only in the Universal Declaration of Human Rights (UDHR) (1948). However, it has also been noted that the UDHR and other important human rights documents are free from gender bias and are based on an assumption that the human condition is gender free. Their primary concern is the protection of rights of the individuals vis-à-vis the state, and also concern the conduct of the state and its agencies relative to all individuals. In this context, only a state can commit a human rights violation (Jennifer A. Zerk, 2006). A prominent milestone in redressing the gender bias in human rights legislation was the approval of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1979, which is often called the international bill of rights for women (Cole, 2016). (Note 28)

Pakistan is bound by its treaty obligations to protect and promote human rights especially the right of women. Being a member of the United Nations, Pakistan is obliged by the Universal Declaration of Human Rights (1948) and has also signed the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW 1979) which is an important international convention that ensure the safeguard of women from gender-based violence (Weiss, 2003). Hence, Pakistan owe an international responsibility to control violence against women under CEDAW. However, in Pakistan, international treaties must be incorporated in national legislation to become a part of domestic law. In fulfillment of international responsibility, three different laws in Pakistan have advanced women's rights on the blueprints of CEDAW such as; the 2004 amendment of Criminal Law, the 2006 amendment in Criminal Law, and the 2016 anti-honor killing legislation. The first forbids the accused honor killing to act as wali or legal heir and thereby getting the concession from Islamic provisions of qisas and diyat. The 2006 legislation further created a distinction between extra-marital consensual sex (zina) and rape. The 2016 legislation added a mandate of life imprisonment in honor killings cases even if the offender is forgiven by the victim's family. (Note 29, 30, 31)

8. Conclusion

Honor killing is an evil, it not only waste precious lives but also devalue the law. Being an Islamic republic,

Pakistan can formulate its norms, culture and traditions into its law and establish the rule of law and punish all perpetrators. The so-called justice or alleged violations done by women and its unique redressal holds no value in law and religion. The violence and killing of women on the pretext of honor is a violation of fundamental rights protected which are guaranteed under the constitutional of Pakistan as well as in international law under which Pakistan is a state party and is obliged to exercise the due diligence to impede, investigate and punish the perpetrators of such crimes. While the contemporary legislative developments show progressive curve in the effort to control honor killings, however, the most important aspect to control such curse needs the transformation of culture and traditions. The real transformation can only happen in with there is gender equality in Pakistan. While the latest efforts may seem like baby steps in this journey and Pakistan is accepting this challenge, and is enthusiastic to end honor killing against women from the country.

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Notes

Note 1. The killing of a relative, especially a girl or woman, who is perceived to have brought dishonor on the family.

Note 2. In patriarchal societies, the activities of girls and women are closely monitored. The maintenance of a woman's virginity and "sexual purity" are considered to be the responsibility of male relatives—first her father and brothers and then her husband. Victims of honour killings usually are alleged to have engaged in "sexually immoral" actions, ranging from openly conversing with men who are not related to them to having sex outside of marriage (even if they are the victims of rape or sexual assault). <https://www.britannica.com/topic/honor-killing>.

Note 3. Human Rights Watch, "Honor' Killings Continue in Pakistan Despite New Law" available at: <https://www.hrw.org/news/2017/09/25/honor-killings-continue-pakistan-despite-new-law>, published on: September 25, 2017, last visited: Dec. 19, 2017.

Note 4. Becker, J.N. Crimes of Honour: Women's Rights and International Human Rights Law – School of International Training, International Studies, Geneva Switzerland, 2004.

Note 5. Thousands of Women Killed for Family "Honor," National Geographic News, available at: https://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html, last visited: Dec. 19, 2017.

Note 6. Government Offices of Sweden, Patriarchal Violence –an attack on human security. 2006.

Note 7. Quran and Hadiath are primary and secondary sources of Islamic Law.

Note 8. "Honour Killing Its Causes & Consequences: Suggested Strategies for The European Parliament," European Parliament Briefing Paper 2007, available at: <http://www.europarl.europa.eu/activities/expert/eStudies.do?languageEN>, last visited: Dec. 19, 2017.

Note 9. "Laws, within the Bible, in Numbers 25:6-19, the figure of Phineas slays both a man and a woman in the temple for marrying across racial boundaries, which ends a plague and guarantees priesthood to his lineage. Guru Gobind Singh, a central figure in the Sikhi religion called for the rejection of 'honor' killers" by Honor Based Violence Awareness Network, International Resource Center, available at: <http://hbv-awareness.com/history/>. Last visited: Dec. 19, 2017.

Note 10. Corresponding word used for honor in Urdu language.

Note 11. Corresponding word used for shameless and honor-less in Urdu language.

Note 12. The recent killing of Pakistani social media star Qandeel Baloch, who called herself a modern-day feminist, has brought honor killings back into the public eye. She was known for posting pictures on social media that weren't necessarily in line with her family's principles of sexual conservatism and modesty. So, earlier this month, when Qandeel posted a picture of her posing with a senior member of the clergy, it pushed her brother Waseem over the edge. Waseem was already fed up with his sister's liberal lifestyle and believed she continued to bring shame upon their family. According to CNN he did it because "girls are born to stay home and follow traditions." Like most honor killings, perpetrators show no remorse. In fact, Waseem publically confessed that he stands by what he has done and that he even takes pride in it. By Medical office administration opportunity awaits, Concorde career colleges, Marisa July, 25/ 2016 <https://www.w24.co.za/Wellness/Mind/honour-killings-what-makes-men-proud-to-kill-female-family-members-20160725>

Note 13. The United Nation's Gender Inequality Index puts Pakistan 147th in a list of 188 countries because of its poor record on women's health, education, political empowerment and economic status. This is mainly because Pakistan is a heavily patriarchal society with a strong feudal value system, in which women are treated as domestic property. Increased urbanization and the concomitant fading of the joint family system have exposed women to further abuses. A recent report by a non-profit women's rights organization, the Aurat (Woman) Foundation, 2014 <http://www.bbc.com/news/world-asia-35811180>.

Note 14. These are not mean the only instances where honor crimes are justified in Pakistan. This uncontrolled increase in the practice of this tradition is a mockery of law and humanity. The victims of honor killings are 3-90-year-old females, both married and unmarried. An important reason behind the perpetration of an increase in this heinous crime is the impunity a perpetrator enjoys. Even if the crime is reported and the perpetrator appears before a court of law (which is quite rare) Pakistan's male dominated judicial system protects him or her instead of giving exemplary punishment. Honor killings are also used to camouflage a murder to get away with the come altogether or receive a lighter punishment. by Hafiz Muhammad Azeem, this blog helps you to understand Law, and provides articles, assignments, study materials etc, relating to Law, Available at: <http://hmazeem.blogspot.tw/2015/02/honour-killings-under-rule-of-law-in.html>

Note 15. Kari denotes the female member on which the allegation is inflicted of sexual or dishonoring of the family honor.

Karo is the male counter part of that allegation with whom the Kari is be alleged to have been engaged with.

Note 16. Amnesty International, "PAKISTAN 2017/2018," Available at: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>, last visited: March 19, 2018

Note 17. "Mother of four shot dead in 'honour killing' incident," Pakistan Today, Available at: <https://www.pakistantoday.com.pk/2018/04/06/mother-of-four-shot-dead-in-honour-killing-incident/>, last visited: April 12, 2018

Note 18. A 20-year old Pakistani woman who lived in northern Italy, she was murdered by her father who claimed he was "saving the family's honour" Mohammed Saleem said he didn't like the way Hina was living her life and told the authorities she brought shame on his family. By Duncan KennedyBBC News, Rome 10 February 2011 <http://www.bbc.com/news/world-europe-12416394> Murdered by her father for becoming a Western woman.

Note 19. Dawn "NA passes bill giving constitutional cover to jirga, panchayat systems," available at: <https://www.dawn.com/news/1312498>, last visited: Dec 19, 2017.

Note 20. Section 318 and 319 of the Pakistan Penal Code 1860 (PPC 1860) and "Compounding" of offense. 310, 311, 312, 338 of PPC 1860

Note 21. The case of Gul Hassan contributed to this confusion by adding a number of new definitions and new provisions. It stated that from an Islamic point of view, a murder could only be exempt from qisas in only two situations: where the deceased was committing an act for which the sentence under Islam was death, and where the murder had been in self defence. The judgment went on to add that Islam does not permit the murder of "one who is masoom ud dam" (one whose life is sacred or whose blood is protected). This protected category is not clarified in the judgment. The court noted that the penalty for zina (sexual relationship outside marriage) is death; therefore, the murderer will be exempted from a death sentence under qisas. Further, the introduction of self-defense as an exemption from qisas and the court's elaboration of this concept resulted in even more problems in the prosecution of honor killings.

Note 22. In cases raising the issue of use of self-defense. The courts invoked the Quranic description of men as being quwwam (superior) over women, that is, responsible for women including their safeguard and protection. This concept went further to describe it as the basic right of men to "protect the honor of his women and to defend them from outrage, disgrace and insult." Ali Mohd v. Ali Mohd Case. Also, the merger of all these concepts i.e. of self-defense and the victim who is not masoom ud dam re-introduced the grave and sudden provocation exception. In fact, in other cases, it was noted that although the plea of provocation no longer existed in cases of murder due to the changes in law, it could still be used as a mitigating circumstance in cases under tazir. Abdul Haque vs the State.

Note 23. The act of giving women for marriage or otherwise in compensation for a crime committed 2018

Note 24. Amendment to Section 311 PPC

Note 25. Amendment to Section 229 PP

Note 26. Amendments to Sections 302, 311, 338E PPC

Note 27. Amendment to Section 310 PPC. The Gazette of Pakistan "Amendment to criminal law and Criminal Procedure law," Passed on October 21, 2016; available at: http://www.na.gov.pk/uploads/documents/1481353572_553.pdf; last visited; Dec. 19,

Note 28. Velasquez Rodriguez case, Inter-American Court of Human Rights, judgment 27 July 1988, (Ser. C, No. 4), para. 172-4. See also Godinez Cruz case, (IAmCtHR, 20 Jan. 1989 (Ser. C, No. 5); Villagrán Morales et al. case (the "Street Children" Case), Judgment of 19 Nov. 1999, Inter-Am. Ct. HR (Ser. C) No. 63 [1999], para. 144; Herrera Rubio v. Colombia (Human Rights Committee, Communication No. 161/1983); Delgado Paez v. Colombia (Communication No. 195/1985); X and Y v. the Netherlands (ECtHR judgment 26 March 1985, Ser. A 91); Costello-Roberts v. UK, (ECtHR judgment 1993 Ser. A 247-C); A v. UK, (ECtHR judgment of 23 Sept. 1998, Reports 1998-VI); and Osman v. UK, (ECtHR judgment 28 Oct. 1998). See also the Declaration on the Elimination of Violence against Women, 20 Dec. 1993, UN GA res. 48/104, 48 UNGAOR Supp. (No. 49), 217, UN Doc. A/48/49; UN GA resolution 55/66, 31 Jan. 2001; and Article 7 of Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 33 I.L.M. 1534 (1994).

Note 29. Criminal Amendment 2004, available at;

<http://www.af.org.pk/Important%20Courts%20judgement/Important%20legislation/CRIMINAL%20LAW%20ACT%201%20OF%202005.pdf>, last visited: Dec.19, 2018

Note 30. Protection of Women (Criminal Laws Amendment) Act, 2006, December 1, 2006, Available at;

<http://www.pakistani.org/pakistan/legislation/2006/wpb.html>, last visited: Dec.19, 2017

Note 31. Amendment to the Criminal Penal Code 1860, passed in 2016, available at:

http://www.na.gov.pk/uploads/documents/1475762285_283.pdf, last visited: Dec.19, 2017