CIMEL/INTERIGHTS PROJECT:

EXPLORATION OF THE INCIDENCE OF AND STRATEGIES OF RESPONSE TO ‘CRIMES OF HONOUR’ AGAINST WOMEN

Project Areas and Outlines

This project was initiated in 1999 by CIMEL (The Centre of Islamic and Middle Eastern Laws at the School of Oriental and African Studies, London University) and INTERIGHTS (The International Centre for the Legal Protection of Human Rights). The project is co-directed by Lynn Welchman, director of CIMEL, and Sara Hossain, South Asia Legal Officer of INTERIGHTS. It is funded by the Peace and Social Justice Program of the Ford Foundation in New York.

The context for the initiative was the growing level of attention to the issue of ‘crimes of honour’ against women, coupled with insufficient information on the varying manifestations of the phenomenon and on the most effective strategies to address them in different parts of the world. The project considers ‘crimes of honour’ to encompass a variety of manifestations of violence against women including: ‘honour killings’, assault, unlawful confinement and forced marriage. 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 (specifically women’s sexual conduct -- actual, suspected or potential), for the preservation of honour vested in male, family and/or conjugal control over women. Although international human rights law prohibits these violations, domestic legislation and court practice vary in the level of protection and remedy they offer women, in particular where family or conjugal ‘honour’ is invoked. On a societal level, informal codes mandating such conduct may be endorsed to varying degrees by some sectors of society and challenged by others. The attitude of religious authorities and the implementation of religious laws may also be critical in forming and changing opinion.

Phase 1:

The first phase of the CIMEL/INTERIGHTS project (July 1999-July 2000) undertook a mapping of work that has been conducted on ‘crimes of honour’ in different parts of the world. The goals of Phase 1 were to identify commonalities in incidence, practice and law that might assist activists, lawyers and other professionals in developing strategies to challenge the phenomenon. An annotated bibliography was produced and made available on the web,¹ a listserve was used to circulate relevant items of news, research and other information to recipients in the activist, academic and other communities, a ‘directory’ of ongoing work and contacts was prepared, and two meetings were convened in London.

(one a roundtable on ‘crimes of honour’\textsuperscript{2} and one a larger meeting on forced marriage as a ‘crime of honour’\textsuperscript{3}).

**Phase 2:**

Activities in the first phase had indicated areas of work that could usefully be undertaken with and/or in support of local, regional and international initiatives to address ‘crimes of honour.’ During the second phase (July 2000-July 2002), the project developed its cooperation with organisations and individuals working on these issues in different regions with a view to facilitating research, exchange and networking, and thus furthering the development of strategies of response.

The second phase included holding an international meeting in February 2002, to provide a forum for the presentation and sharing of comparative experiences among project partners. The meeting aimed to broaden the scope for regional and inter-regional cooperation in challenging ‘crimes of honour’ through indicating the availability of material that could be of use to activists and lawyers working in diverse legal and cultural contexts. At this meeting, the experiences of partners working with the project in different parts of the world, (specifically the results of their work in cooperation with the project), were outlined and discussed in comparative focus. Further exchanges between the researchers and the project team are currently ongoing with a view to finalising and editing the contributions for publication.

In response to the request of several partners in the Middle East, South Asia and the Americas, this paper was produced to outline areas of work and research that appeared to be potentially of the greatest utility in realising these objectives. In some cases, it was based on work already being carried out in cooperation and with funding from the CIMEL/INTERIGHTS project, while in others it identifies areas in which we would like to facilitate work with partners not yet involved in the project. The type of work that has formed part of the project includes commissioned research papers, organisation-based action-oriented research, or preparation and/or implementation of a planned action (e.g. a ‘training’ course).

This *Project Area and Outlines Paper* will be developed to reflect the work of the CIMEL/INTERIGHTS project and the input of varying professional identities and expertise of partners. The focus reflects the variety of practices identified as ‘crimes of honour’ and their occurrence in a wide range of countries and communities. In many cases, a particular research project might combine two or more of the different areas of investigation to ask overall questions posed in the particular context. Comments would be very welcome, whether on the existing outlines suggested below or on other areas that might usefully be included.


\textsuperscript{3} See this website, *Meetings*.  

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2 See this website, Meetings; Yearbook of Islamic and Middle Eastern Law, Vol 6, 1999-2000, 439-461; or Shirkat Gah/Women Living Under Muslim Laws, Occasional Paper No. 12, [www.wluml.org/index.htm](http://www.wluml.org/index.htm)
3 See this website, Meetings.
A. **Law-focussed research**

This involves research into relevant legislation, which might encompass its historical development, commentaries etc., as well as the interpretation and application of such statutes by the courts through examination of court records and cases. Questions that might be addressed through such research include:

- The use made of different elements of statutory legislation (for example, in the case of ‘honour killings’, provisions for defences based on provocation, overwhelming anger, self-defence against a wrongful act, extenuating circumstances, and defences relating specifically to surprising the victim in a sexual act); whether there appears to be differences in application and interpretation by different levels of courts in response to campaigns and awareness-raising activities in broader society etc.;
- In the examination of cases, data might be sought on the presentation and definition of ‘honour’ by the accused, the judiciary (for example, the distinction of a family or a conjugal/individual honour rationale, or an elision of the two), and by the victim, where her voice is heard;
- Whether the voice of the victim is represented in any fashion, including for example reviewing whether civil society groups have the right to petition or present evidence to the court, and discussing examples of such efforts;
- The personal profile of both accused and victims including their relationship to each other; whether the accused held the endorsement of his and/or the victim’s family for the act (for example in cases of forced marriage, whether members of the victim’s family were active in seeking intervention of the courts), and/or articulated a feeling of ‘pressure’ to commit the act (for example, in cases of ‘honour killings’, as a result of feeling shamed by public perceptions of alleged conduct by the victim);
- Whether the case shows evidence of rumours about the victim’s conduct as having been a contributing factor;
- Whether the victim sought assistance from family, support networks, medical facilities or the state and if so, at what point, and whether and how assistance had been rendered;
- An assessment of the reliability of cases available for examination as a representation of trends (for example, if juvenile records are confidential, this would exclude offences committed by minors);
- Statistical information on the number of cases brought and tried (for example, in implementation of criminal legislation prohibiting the marriage of minors or forced marriage, which might be compared with any available survey information indicating incidence of the offences).

The development of materials for members of the judiciary might also be a product of such research.

B. **Police and administrative authorities**

Research and activities around the role of police and administrative authorities might start broadly with the question, for example, of what such officials would themselves consider to be a ‘crime of honour’, and whether the association of particular criminal actions with ‘honour’ has an impact on their treatment of cases. In focusing on their role in relation to
a particular crime (such as forced marriage or femicide), the following areas might be covered:

- identification of attitudes among police officials towards victims and offenders, the feasibility of implementing the law, and their view of community expectations;
- existence of special units to deal with family violence, their practical effect and impact, and wider awareness-raising in the forces including gender issues;
- guidelines on their practice: e.g. whether and how to intervene, whether to arrange family mediation, and/to place a victim (or potential victim) in protective custody;
- police practice in documentation and categorization of data (for example, whether it is possible to identify such crimes from existing forms of record keeping);
- training for police officers in handling cases;
- research (eg booklets) that might serve both police agencies and potential victims and providing easy reference to:
  - relevant local, national and international legislation on the particular crime;
  - if necessary, facts, documents, statements and observations that victims’ family members and witnesses need to preserve and record for the purpose of helping to prove a case before court;
  - legal procedures and rules that various levels of police and prosecuting authorities should follow for conducting and completing timely and comprehensive investigations into the offence;
  - punitive measures which exist in the event of negligence and willful fault of state officials; and
  - where appropriate, numbers of helplines, social services or other support networks willing to be listed for the benefit of those at risk.

C. Government and policy-makers

Research might be focussed on a content analysis and trace the development of positions, statements of intent, and action taken in press reports, governmental statements, parliamentary debates, open-ended interviews with key actors etc. Efforts might be made to trace the impact on advocacy of a governmental campaign by a civil society group, including the impact of counter-campaigns from other groups, in order to provide one aspect of evaluation of the efficacy of the group’s various strategies; and to assess the influence of statements and actions by external actors (action at the UN, for example, or by foreign states, or by international human rights groups or transnational civil society groupings).

D. Social Surveys and community-focussed research

This type of research might focus, for example, on:

- attitudes of society to the particular manifestation of ‘honour’ being addressed: for example, attitudes towards a woman who has been abducted and/or raped, which would include considering:
the utility and appropriateness of any legislation that provides for suspension of a prosecution in the event the offender marries his victim, whether such legislation is perceived as providing a remedy to the victim, and what remedies would be preferable; or on the understanding of forced marriage and of choice and consent; or threats and other forms of violence with the threatened ultimate sanction of femicide or ‘honour killings’. Variables might include age, gender, socio-economic status, educational background, profession etc. Instruments might include open-ended interviews, for example with community leaders; the nature of the research questions would vary depending on the interviewee. Other instruments might include content analysis of newspapers and other forms of media; conferences, meetings, and a consideration of popular sayings/songs/fiction etc. Another focus might be a tracking of the historical development of the understanding of the requirements of ‘honour’ - for example, over the course of the last 50 years - to examine in one particular community, or to compare in different communities, the elasticity of the concept of ‘honour’, in the sense of it meaning different things in different times and places – for example, does it place constraints on a woman leaving the house unaccompanied, or going out to work (and what type of work), or going to university, or going out shopping, whether and how she may greet people in the street, or her manner of dress, her friends, whom she can marry, and so on; the factors that appear to provoke changes in the requirements of ‘honour’ – for example, changing levels of education, changes to the type of economic activity available to men and women, dispossession from land, war and other national (and personal) traumas, and other social, economic and political circumstances that have an impact on the kind of behaviour that might provoke the threat or incidence of an act of violence against women: ‘crime of honour’ being a core of its manifestations.

E. Victims and Survivors

Research work focussed on the victims would need to adapt its methodology carefully in light of the particular context and the availability of sources. A range of instruments might be developed to seek to understand:
when survivors felt at risk,
what action they took,
what remedies they sought, and
what remedies they felt were lacking.

Profiles of some victims might be found in case reports, or through the work of support groups. Research that includes such information might help to expand an understanding of the circumstances that make a woman particularly vulnerable to these forms of violence, and/or be used to disseminate information on strategies of response.

F. Key Actors
This kind of research would track and analyse the attitudes of key actors and opinion formers such as religious leaders, village heads, community elders, tribal leaders, leading intellectuals, representatives of (opposition) political parties, in conjunction with interview work as well as a search for publicly issued statements (e.g. fatwas) addressing directly or indirectly the subject area selected.

In the event of there being, for example, different positions expressed by different figures of the same religion, an examination of the discourses and argumentation relied upon in support of the positions would be critical. This might be supported by an analysis of any similar (or different) positions having been taken in the past.

Another focus might be media and press coverage:
- is there any taboo around reporting the facts,
- how are the facts reported,
- whose voice gets heard,
- can the impact of the coverage (or lack of it) be evaluated?

G. Social support services

This research would seek to examine the support services provided to victims and survivors, whether by the state, NGOs, or by community actors. It might seek to set out the experiences of those involved in providing such services, the challenges they face, and the lessons they have learned in their particular context.

H. Campaigns and NGOs

The questions researched here might include the impact of an NGO or a wider civil society campaign in its efforts to target a particular ‘crime of honour.’ Whether this effort will be focussed on legal reform, education and awareness raising, or other objectives, the aim would be to learn from the experience of the group(s) considered:

- what and why were the particular objectives identified,
- what strategies were adopted to realise them,
- to what extent and how were the objectives realised,
- what particular challenges had to be overcome and how, and
- how does the group itself evaluate its effectiveness?

I. Theoretical Frameworks and Questions

A number of theoretical frameworks and cross-disciplinary questions are provoked by and might be utilized in the examination of ‘crimes of honour.’ Consideration of the development of strategies of response might include: theories of law and society and legal pluralism, multiculturalism, feminist analysis, the interface of religion, culture and patriarchy, theories of citizenship, multiculturalism, state responsibilities, methods of
cross-cultural and intra-communal dialogue, the interface between domestic and international human rights protection, and government policy on issues such as asylum.

**CIMEL/INTERIGHTS Contribution and Facilitation**

Besides providing funding and facilitating exchange and networking between partners and others, the CIMEL/INTERIGHTS project team have been available to work with partners in ways mutually identified as supportive and appropriate during the course of the work (for example: discussing and commenting on research proposals and identification of research questions and project objectives; giving feedback on outlines and on the development of instruments such as questionnaires; giving feedback on progress reports, commenting on drafts of reports or papers etc). Where we have collected examples of such research already carried out, or outlines of such research in progress, we can provide it to partners in furtherance of the development of their own work (and on condition of agreement from the originators of the research). We can provide from our files particular items (e.g. cases, reports etc.) that are listed in the Bibliography, where we have them available, and provide information and material from our comparative examination of the subject, our investigation into historical antecedents, and our tracking of international developments.