

SELECTED INTERNATIONAL HUMAN RIGHTS MATERIALS ADDRESSING 'CRIMES OF HONOUR'

2003

Information compiled by:

CIMEL/INTERIGHTS PROJECT ON STRATEGIES TO ADDRESS 'CRIMES OF HONOUR'

<http://www.soas.ac.uk/honourcrimes>

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INTRODUCTION

i. Aim of this Collection

This collection of international human rights materials has been produced by the Project on “Strategies of Response to ‘Crimes of Honour’ Against Women” jointly co-ordinated by CIMEL (Centre of Islamic and Middle Eastern Laws) at the School of Oriental and African Studies, London University and INTERIGHTS (International Centre for the Legal Protection of Human Rights). For further information on the project please consult the project website www.soas.ac.uk/honourcrimes.

The CIMEL/INTERIGHTS Project considers the term 'crimes of honour' to encompass a variety of manifestations of violence against women including: 'honour killings', assault, unlawful confinement and forced marriage, and the documents set out in this collection address these various manifestations.

Whilst there is no specific human right to be free from ‘crimes of honour’, there are a plethora of human rights norms that are violated by the commission and the failure to prevent, prosecute or punish ‘crimes of honour’. Depending on the particular circumstances, ‘crimes of honour’ may involve abuses of the rights to liberty and personal security, the prohibition on torture or a violation of the right to marry. Further, ‘crimes of honour’ are not gender-neutral; research shows that the majority of victims of such crimes are women, and consequently such crimes implicate the rights of women and the prohibition on gender-discrimination.

Addressing ‘crimes of honour’ through the human rights paradigm requires an understanding of the various international and regional systems of human rights standards and methods of protection and enforcement. This collection of materials has been compiled to provide a starting point for such human rights based strategies of addressing ‘crimes of honour’ by making relevant human rights information easily accessible. Given that human rights standards are consistently being articulated, and reinterpreted, this collection can only claim to be up to date as of its latest revision: June 2003.

ii. How to use this Collection

Please refer to the advanced table of contents to see how this collection has been set out. If you are using this collection electronically you can go straight to the materials pertaining to each section by clicking on any of the content titles (underlined and highlighted in blue).

This collection has been structured to reflect the global human rights system. It is therefore divided into two main parts, firstly **International Materials** and secondly **Regional Materials**. Below you will find an introduction to each part and their

respective sub-sections, including a brief overview of the materials which have been extracted.

I. INTERNATIONAL MATERIALS

This part of the collection provides an overview of the human rights materials that have been generated by the United Nations (UN) system. There are two human rights strands of materials produced by the UN human right system: **treaty-based** human rights materials and **Charter-based** human rights materials.

Treaty-based human rights materials

i. International Human Rights Treaties

The UN has drafted many international human rights treaties. It began by articulating generalised human rights treaties such as the International Covenant on Civil and Political Rights 1966 and the International Covenant on Economic, Social and Cultural Rights 1966 (which together with the Universal Declaration on Human Rights form what is colloquially known as the “International Bill of Rights”). The UN then began focusing on specific subject areas such as women’s rights, with the formulation and ratification of the Convention on the Elimination of All Forms of Discrimination Against Women 1979 (‘CEDAW’, or the ‘Women’s Convention’).

‘Crimes of honour’ as a discreet area are not the subject of any specific international human rights treaty, or of specific articles in human rights treaties. However, ‘crimes of honour’ may involve the violation or abuse of a number of human rights, which, depending on the circumstances, may include the right to life, liberty and security of the person; the prohibition on torture or other cruel, inhuman, or degrading treatment or punishment; the prohibition on slavery; the right to freedom from gender-based discrimination; the right to privacy; the right to marry and found a family; the right to be free from sexual abuse and exploitation; the duty to modify customs that discriminate against women; and the right to an effective remedy. Each of these rights, freedoms or duties can be found within specific and/or general human rights treaties. For example the right to life, liberty and security of person can be found in article 3 of the Universal Declaration of Human Rights (UDHR) 1948 (‘Everyone has the right to life, liberty and security of person’), the International Covenant on Civil and Political Rights (ICCPR) 1966 article 6 (1) (‘Every human being has the inherent right to life. This right shall be protected by law.’) and article 9 (1) (‘Everyone has the right to liberty and security of person’) and the Convention on the Rights of the Child 1989 article 6(1) (‘Parties recognise that every child has the inherent right to life.’) and article 6(2) (‘States Parties shall ensure to the maximum extent possible the survival and development of the child.’).

In the interests of clarity this section is set out under headings pertaining to specific human rights with relevant treaty materials extracted under each heading. The specific human rights discussed are as follows:

- The Right to Life, Liberty and Security of the Person,

- The Prohibition on Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment,
- The Prohibition on Slavery,
- The Right to Freedom from Gender-Based Discrimination,
- The Right to Privacy,
- The Right to Marry and Found a Family,
- The Right to be Free from Sexual Abuse and Exploitation,
- The Duty to Modify Customs that Discriminate against Women,
- The Right to an Effective Remedy.

Where there is no reference to one of these specific rights, this indicates that no relevant human rights treaty materials were identified with respect to that right.

ii. Monitoring Bodies of International Human Rights Treaties

Under the UN human rights system, there are specific bodies to monitor state implementation of the provisions of the six major UN human rights treaties. These are: the **Human Rights Committee** for the International Covenant on Civil and Political Rights (ICCPR); the **Committee for Economic, Social and Cultural Rights** for the International Covenant on Economic, Social and Cultural Rights (ICESCR); the **Committee on the Elimination of Racial Discrimination** for the Convention on the Elimination of All forms of Racial Discrimination; the **Committee on the Elimination of Discrimination against Women** for the Convention on the Elimination of All Forms of Discrimination against Women; the **Committee Against Torture** for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the **Committee on the Rights of the Child** for the Convention on the Rights of the Child.

The treaty bodies perform their monitoring function through several methods including the issuance of **concluding observations/comments** and **general comments/recommendations**. Concluding observations are issued by each treaty body following review of the periodic report each State party must submit regarding compliance of domestic standards and practices with treaty obligations. Treaty bodies issue general comments/recommendations to provide greater understanding on the nature of obligations associated with the human rights articulated in the relevant treaty or to demonstrate how the treaty rights impact on certain thematic issues.

‘Crimes of honour’ have been addressed by the human rights treaty monitoring bodies through their general comments/recommendations and through their review and concluding comments/observations on States parties’ reports.

The **Human Rights Committee** has adopted General Comment 28 titled ‘Equality of Rights between Men and Women’, which states that failure to punish ‘crimes of honour’ is a violation of the ICCPR. The Human Rights Committee has also expressed concern over the occurrence, toleration and impunity surrounding ‘crimes of honour’ in its concluding observations on a number of state reports, including Brazil, Guatemala, Iraq, Kuwait, Sweden, Venezuela and Yeman.

In its concluding observations, the **Committee on Economic, Social and Cultural Rights** has expressed concern at the occurrence of ‘crimes of honour’ in Jordan and

the Syrian Arab Republic, and of early and discriminatory marriage laws and practices in Sri Lanka. It has also welcomed the removal of legal recognition of ‘crimes of honour’ in Tunisia.

The **Committee on the Elimination of Discrimination Against Women** has issued two General Recommendations on ‘Violence against Women’, which highlight, *inter alia* the importance of removing legislative defences of honour in overcoming family violence. In General Recommendation 21 on ‘Equality in marriage and family relations’, the Committee noted that a woman’s right to freely choose her spouse and enter into marriage is central to her life and dignity. Through its concluding observations the Committee has noted its concern at the occurrence, toleration and impunity of ‘crimes of honour’ and in some cases has recommended the removal of laws which allow, condone or mitigate these human rights abuses, in many countries, including Egypt, Guinea, India, Iraq, Israel, Jordan, Sri Lanka, Trinidad and Tobago, Turkey and Uruguay.

The **Committee on the Rights of the Child** has noted its concerns over ‘crimes of honour’ in concluding observations on State reports from countries including Bangladesh, Burkina Faso, Democratic Republic of the Congo, Ethiopia, India, Jordan, Lebanon, Sierra Leone, Suriname, Tanzania, and Turkey. Relevant issues addressed by the Committee include ‘honour killings’, and forced marriage. The absence of reference to any monitoring body, and/or of general comments/recommendations and/or concluding observations in the treaty body section indicates that no relevant information was identified.

B. Charter-based human rights materials

“Charter” refers to the Charter of the UN 1945, which is the organisation’s constituting document. In determining the organisation of the UN, the Charter apportions responsibilities between the various UN organs, including responsibility for human rights. In the interests of clarity this section will be divided into discussion of materials generated by the four organs of the UN which deal with human rights:

i. General Assembly (GA)

The GA debates many issues and passes **resolutions**. It is an important forum because it is the only body of the UN which is made up of representatives of all member States. However it is also important to note that GA resolutions are not legally binding, although they do provide a good starting point for identifying State views on certain issues. Further, GA resolutions, in the form of **declarations**, have often precipitated legally binding human rights treaties, e.g. the Convention on the Rights of the Child followed the GA Declaration on the Rights of the Child.

The GA has addressed ‘crimes of honour’ in resolutions 55/66 (2000) and 57/179 (2002) titled ‘**Working towards the elimination of crimes against women committed in the name of honour**’. In these resolutions the GA places crimes committed in the name of honour and crimes committed in the name of passion within the context of crimes/violence against women, and expresses its deep concern at the persistence of such gender violence in all areas of the world. Of particular importance is the GA call to all States to ‘investigate promptly and thoroughly, prosecute

effectively and document cases of crimes against women committed in the name of honour and punish the perpetrators...[and to] take all necessary measures to ensure that such crimes are not tolerated' (operative paragraph 3 (c) and (d)). The GA has also addressed 'crimes of honour' through resolutions on relevant thematic human rights areas, including extrajudicial, summary or arbitrary executions and violence against women.

[ii. Commission on Human Rights \(CHR\)](#)

The **Commission on Human Rights**, whilst not created by the Charter, was created by its parent body – the Economic and Social Council – which was created by the Charter. The CHR is a body of 53 elected State members and is the premier human rights Charter body. It operates through two main methods: firstly, through **resolutions** and secondly through the appointment of **Special Rapporteurs** mandated to address thematic issues or country-specific situations. The Special Rapporteurs produce annual reports addressing their mandates and make country visits and reports.

The Commission has (since 2000) addressed 'crimes of honour' in its annual resolutions on extrajudicial, summary or arbitrary executions, which express concern at the number of killings committed in the name of passion or honour, and call upon States to investigate such killings promptly and thoroughly and to bring those responsible to justice. In its resolutions on the elimination of violence against women, the Commission has (since 2000) defined "violence against women" as including crimes committed in the name of honour and passion, and called upon States to condemn violence against women and not to invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence.

The Special Rapporteur on extrajudicial, summary or arbitrary executions has dealt with 'honour killings' in the following reports to the Commission on Human Rights: 1999, interim report 2000, addendum to 2000 report, 2001 Report, 2002 Report and the Addendum report on her 2002 mission to Turkey, and her 2003 Report and Annex 4 to the 2003 report on her mission to Afghanistan. The Special Rapporteur on violence against women, its causes and consequences has addressed and expressed concern about 'crimes of honour' and the defence of honour in the following reports: 1995, 1997 and Addendum 2 to 1997 report: mission to Brazil, 1999, Annex 5 of the 2000 report on "Economic and social policy and its impact on violence against women", Annex 3 to the 2001 report: mission to Haiti, Annex 4 to 2001 report: mission to Pakistan and Afghanistan, 2002 and 2003 and in addenda to her reports on communication with governments. Of particular interest are Addendum 1 to the 2003 Report of the Special Rapporteur's entitled 'International, regional and national developments in the area of violence against women 1994-2003' which highlights 'crimes of honour' in the charting of international, regional and national developments, and the Special Rapporteur's 2002 Report which provides detailed background information on 'crimes of honour' in general and refers to the specific situations in several countries. Other reports issued by various Special Rapporteurs that have addressed 'crimes of honour' include the 2003 report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief: Mission to Bangladesh, and the 2001 and 1999 report of the Special Rapporteur on the independence of judges and lawyers. This collection does not *yet* include the reports of country-specific Special Rapporteurs.

iii. Sub-Commission on the Promotion and Protection of Human Rights

The **Sub-Commission on the Promotion and Protection of Human Rights** is a subsidiary body of the CHR. It is composed of 26 independent experts and is mandated to conduct studies on human rights. Similarly to the CHR it operates through two main methods: firstly, through **resolutions** and secondly through the **Special Rapporteurs**.

The Sub-Commission on the Promotion and Protection of Human Rights addressed ‘crimes of honour’ in its resolutions 2000/10 and 2001/13 on ‘traditional practices affecting the health of women and the girl child’, which it deemed to include ‘crimes of honour’, a view shared by the Special Rapporteur of the Sub-Commission on traditional practices affecting the health of women and the girl child in her reports of 1999-2001.

iv. Secretary-General (S-G)

Organs of the UN, such as the CHR or the GA, may ask the S-G to prepare a **report** on certain thematic or country-specific issues which may have human rights dimensions.

Pursuant to General Assembly resolution 55/66, the UN Secretary-General produced the Report ‘**Working towards the elimination of crimes against women committed in the name of honour**’ in 2002, which provides information on the measures taken by Member States and activities within the United Nations system on this subject.

C. UN Conferences

- There are a number of documents and programmes of action emanating from UN world conferences. Such documents constitute declarations of commitment by concerned states, and are not legally binding standards. However, conference materials are important advocacy tools, providing focus and linkages on human rights issues, and often demonstrating consensus language. In the interests of clarity, these conference materials are set out according to headings referring to specific human rights with materials relevant to ‘crimes of honour’ extracted under each heading (please see above – ‘international treaties’ – for a list of these rights).

For example under the the right to freedom from gender-based discrimination, relevant UN conference materials includes the The Fourth World Conference on Women Platform for Action 1995, paragraph 214 (‘Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of the United Nations. All the major international human rights instruments include sex as one of the grounds upon which the State may not discriminate.’), and the ICPD Programme of Action 1994 principle 1 (‘All human beings are born free and equal in dignity and right. Everyone is entitled all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...’) and principle 4 (‘...The human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal

participation of women in civil, cultural, economic, political and social life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community’).

II. REGIONAL MATERIALS

As well as the international or UN system there are a number of **regional human rights systems in the Americas, Africa and Europe**. These systems vary widely between regions, in terms of structure, procedure and substantive approaches to the definition and application of human rights norms respectively. Given this variance, Part II of this collection is not as extensive as Part I (International Materials). Rather it seeks to identify regional starting points for those seeking to address ‘crimes of honour’ in human rights terms.

Unlike the universal State membership/participation of the UN, regional human rights systems by their nature have limited membership, extending only to states within particular regions.

Treaty-Based Materials

In the interests of clarity, this section is structured in the same way as section I(A)(i), above, that is under headings referring to specific human rights with relevant treaty materials extracted under each heading (please see above – ‘international treaties’ – for a list of these rights).

Regional Organisations’ Materials

This section highlights materials generated by regional human rights systems that have directly addressed “crimes of honour”, including **resolutions** and **reports** of bodies of regional organisations.

NOTE: footnotes from extracted materials have *not* been included in this collection; please refer to the actual document for these – all documentation/reference numbers and dates have been provided.

iii. Feedback

This document aims to be a resource for practitioners, journalists, activists, academics and all those working to combat the practice of ‘crimes of honour’. By its nature, it is intended to be work in progress.

The CIMEL/INTERRIGHTS Project therefore welcomes any comments, suggestion or feedback on its contents or structure, including indicating any materials that may usefully be added. Please email any feedback to Sanchita Hosali at cimel@soas.ac.uk indicating IHRM in the subject box.

MATERIALS

I. INTERNATIONAL MATERIALS

A. Treaty-Based Materials

i. International Treaties

The Right to Life, Liberty and Security of the Person

Universal Declaration of Human Rights (UDHR) 1948

Article 3 **Everyone has the right to life, liberty and security of person.**

International Covenant on Civil and Political Rights (ICCPR) 1966

Article 6 (1) **Every human being has the inherent right to life. This right shall be protected by law.**

Article 9 (1) **Everyone has the right to liberty and security of person.**

Convention on the Rights of the Child 1989

Article 6 (1) **States Parties recognise that every child has the inherent right to life.**

Article 6 (2) **States Parties shall ensure to the maximum extent possible the survival and development of the child.**

The Prohibition on Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment

Universal Declaration of Human Rights 1948

Article 5 **No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.**

International Covenant on Civil and Political Rights 1966

Article 7 **No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...**

The Convention on the Rights of the Child 1989

Article 37 States Parties shall ensure that a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...

The Prohibition on Slavery

Supplementary Convention on the Abolition of Slavery, The Slave Trade and Institutions and Practices Similar to Slavery 1957

Article 1 Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention

(c) any institution or practice whereby: a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or the husband of a woman, his family or his clan, has the right to transfer her to another person for value received or otherwise; or a woman on the death of her husband is liable to be inherited by another person;

(d) any institution or practice whereby a child or young person under the age of eighteen years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to exploitation of the child or the young person or his labour.

The Right to Freedom from Gender-Based Discrimination

UDHR 1948

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without any distinction of any kind, such as race, colour, sex, religion, political or other opinion, national or social origin, property, birth or other status...

ICCPR 1966

Article 2 (2) The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex....

Article 2 (1) Each State Party...undertakes to respect and to ensure...the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex...

CEDAW 1979

Article 1 ... discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women ...of human rights and fundamental freedoms....

Article 2 States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake;

a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

b) To adopt legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

c) To establish legal protection of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

Article 3 States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The Right to Privacy

ICCPR 1966

Article 17 (1) No one shall be subjected to arbitrary or unlawful interference with his privacy nor to unlawful attacks on his honour or reputation.

Article 17 (2) Everyone has the right to protection of the law against such interference or attacks

CRC 1989

Article 16 (1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour or reputation.

Article 16 (2) The child has the right to protection of the law against such interference or attacks.

The Right to Marry and Found a Family

UDHR 1948

Article 16 (1) Men and women of full age, without any limitations due to race, nationality or religion, have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

ICESCR 1966

Article 10 (1) ...Marriage must be entered into with the free consent of the intending spouses.

ICCPR 1966

Article 23(2) The right of men and women of marriageable age to marry and to found a family shall be recognised

Article 23(3) No marriage shall be entered into without the free and full consent of the intending spouses

CEDAW 1979

Article 16 (1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;**
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;**
- (c) The same rights and responsibilities during marriage and at its dissolution;**
- (g) The same personal rights as husband and wife...**

Article 16 (2) The betrothal and marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1964

[Preamble:] Recalling that the General Assembly declared, by resolution 843 (IX) of 17 December 1954, that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,...

Article 1 No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, prescribed by law.

Article 2 Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such a manner as may be prescribed by law, expressed and not withdrawn consent.

The Right to be Free from Sexual Abuse and Exploitation

CEDAW1979

Article 6 States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

CRC 1989

Article 19 (1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 34 States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in pornographic performances and materials.

The Duty to Modify Customs that Discriminate against Women

CEDAW 1979

Article 2 States Parties...undertake...

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 5 **States Parties shall take all appropriate measures:**

a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women...

CRC 1989

Article 24 (3) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

The Right to an Effective Remedy

UDHR 1948

Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ICCPR 1966

Article 2(3) Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;**
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;**
- (c) To ensure that the competent authorities shall enforce such remedies when granted.**

ii. Monitoring Bodies of International Human Rights Treaties

a. Human Rights Committee

GENERAL COMMENTS

General Comment No. 28 on Article 3: Equality of Rights between Men and Women
CCPR/C/21/Rev.1/Add.10, 29/03/2000.

Para 10 When reporting on the right to life protected by article 6, States parties...should also report on measures to protect women from practices that violate their right to life, such as female infanticide, the burning of widows and dowry

killings. The Committee also wishes to have information on the particular impact on women of poverty and deprivation that may pose a threat to their lives.

Para 13 States parties should provide information on any specific regulation of clothing to be worn by women in public. The Committee stresses that such regulations may involve a violation of a number of rights guaranteed by the Covenant, such as: article 26, on non-discrimination; article 7, if corporal punishment is imposed in order to enforce such a regulation; article 9, when failure to comply with the regulation is punished by arrest; article 12, if liberty of movement is subject to such a constraint; article 17, which guarantees all persons the right to privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and, lastly, article 27, when the clothing requirements conflict with the culture to which the woman can lay a claim.

Para 20 States parties must provide information to enable the Committee to assess the effect of any laws and practices that may interfere with women's right to enjoy privacy and other rights protected by article 17 on the basis of equality with men. An example of such interference arises where the sexual life of a woman is taken into consideration to decide the extent of her legal rights and protections, including protection against rape. Another area where States may fail to respect women's privacy relates to their reproductive functions, for example, where there is a requirement for the husband's authorisation to make a decision in regard to sterilisation, where general requirements are imposed for the sterilisation of women, such as having a certain number of children or being of a certain age, or where States impose a legal duty upon doctors and other health personnel to report cases of women who have undergone abortion. In these instances, other rights in the Covenant, such as those of articles 6 and 7, might also be at stake. Women's privacy may also be interfered with by private actors, such as employers who request a pregnancy test before hiring a woman. States parties should report on any laws and public or private actions that interfere with the equal enjoyment by women of the rights under article 17, and on the measures taken to eliminate such interference and to afford women protection from any such interference.

Para 31 ...The commission of so called "honour crimes" which remain unpunished, constitutes a serious violation of the Covenant and in particular of articles 6, 14 and 26. Laws which impose more severe penalties on women than on men for adultery or other offences also violate the requirement of equal treatment.

CONCLUDING OBSERVATIONS

Brazil, 24/07/96
CCPR/C/81/Add.6

Para 57 One positive development concerning the protection of women's rights is the suppression of the concept of "legitimate defence of [one's] honour". Jurisprudence based on this notion - which formerly facilitated the acquittal of men accused of crimes of passion - was overruled by a Federal Supreme Court ruling in March 1992.

Guatemala, 27/08/2001
CCPR/CO/72/GTM

Para 24 The Committee is concerned about the continued existence of a legal provision exempting a rapist from any penalty if he marries the victim and about the continued requirement in the legislation that a woman must be "honest" for that offence to be held to have been committed. The State party should immediately repeal this legislation, which is incompatible with articles 3, 23, 26 and 2 (3) of the Covenant.

Iraq, 19/11/97 6
CCPR/C/79/Add.84

Para 6 The Committee welcomes the repeal of Revolutionary Command Council Decree No. 111 of 1990, which exempted from prosecution certain "crimes of honour" involving the killing of female relatives.

Kuwait, 26/07/00
CCPR/C/120/Add.1

Para 7 Discrimination against women limits the enjoyment by women of their rights under the Covenant. In particular, pursuant to the Act on Personal Status, women cannot freely marry before they are 25 years of age, except with the approval of a guardian, who is usually the father or a judge, women's right to marry non-Kuwaiti citizens is restricted, and the age of marriage for men and women is different (17 for men, 15 for women). The Committee is concerned that...toleration of so-called "crimes of honour" adds to the existing inequality between the sexes.

Sweden, 24/04/02
CCPR/CO/74/SWE

Para 7 The Committee notes with concern cases of female genital mutilation and "honour crimes" involving girls and women of foreign extraction (arts. 3, 6 and 7 of the Covenant). The State party should continue its efforts to prevent and eradicate such practices. In particular, it should ensure that offenders are prosecuted, while promoting a human rights culture in the society at large, especially among the most vulnerable sectors of immigrant communities

Venezuela, 26/04/2001
CCPR/CO/71/VEN

Para 18 The minimum marriageable age, 14 for girls and 16 for boys, and the fact that such age may be lowered without any limits for girls in case of pregnancy or childbirth, raises problems with respect to the fulfilment by the State party of its obligation under article 24, paragraph 1, to protect minors. Marriage at such an early age does not appear to be compatible with article 23 of the Covenant, which requires the free and full consent of the intending spouses. The Committee is also concerned at the early age of sexual consent (12) for girls. The State party should amend the relevant law to bring it into line with articles 23, 24 and 3 of the Covenant.

Para 20 The Committee is concerned about the continued existence of a legal provision exempting a rapist from any penalty if he marries the victim. The State party should immediately repeal this legislation, which is incompatible with articles 3, 7, 23, 26, 2 (3) and 24 of the Covenant, particularly taking into account the early age at which girls can enter into marriage.

Yemen, 26/07/02
CCPR/CO/75/YEM

Para 7 The Committee notes with concern the situation of discrimination against women in matters of personal status, more particularly in marriage and divorce as well as the rights and duties of spouses. The State party should review its legislation to ensure that, in all fields in the life of society, women enjoy complete equality with men, both in law and in fact, so as to comply with its obligations under the Covenant (arts. 3, 7, 8, 17 and 26 of the Covenant).

Para 8 The Committee notes with concern that married women may not, at least by law, leave their home without the authorization of their husbands (arts. 3, 12 and 26 of the Covenant). The State party should take appropriate measures to eliminate this practice and ensure, in law and in practice, that women's rights under articles 3, 12 and 26 of the Covenant are observed.

Para 10 The Committee expresses its concern with the practice of marriage of very young girls, and with the inequality in the age of marriage between men and women (arts 3 and 26 of the Covenant). The State Party should ensure protection of girls against very early marriage, and the elimination of discrimination against women regarding the marriage age.

b. Committee on Economic, Social and Cultural Rights

CONCLUDING OBSERVATIONS

Jordan, 01/09/2000
E/C.12/1/Add.46.

Para 17 The Committee expresses its concern at the fact that crimes against women perpetrated in the name of honour go unpunished.

Para 33 The Committee recommends that the State party continue its efforts to secure the repeal of article 340 of the Penal Code.

Sri Lanka

[Taken from the Committee on Economic, Social and Cultural Rights: Report on the Eighteenth and Nineteenth Sessions, 27/04/98 and 15/05/98 E/1999/22.]

Para 73 The Committee notes with concern the existence of disparities between statutory law and customary law. The age for marriage in statutory law is 18 years but girls as young as 12 years of age are able to marry under customary law, as long as the parents consent. The Committee is of the view that the practice of early

marriage has negative impacts on the right to health, right to education and the right to work, particularly of the girl child...

Para 88 The Committee urges the State party to enforce the minimum legal age for marriage of 18 years, as well as inheritance laws affecting women, thereby superseding discriminatory customs and traditions.

Syrian Arab Republic, 24/09/2001
E/C.12/1/Add.63

Para 14 The Committee expresses its concern about the persisting discrimination in the political, social and economic spheres of life against women in Syrian society, which is particularly reflected in... a low legal age of marriage for girls, more severe punishment of women for adultery and "honour crimes", and unequal treatment insofar as personal property and social security laws are concerned. The Committee regrets that the State party has not adopted any significant legislative or administrative measures to eliminate this discrimination, nor ratified the Convention on the Elimination of All Forms of Discrimination against Women.

Tunisia, 14/05/99
E/C.12/1/Add.36

Para 4 The Committee welcomes the achievements in the field of better promotion and protection of the economic, social and cultural rights of women, as a result of which women are able to participate in the economic and political life of the nation, including by owning property, engaging in economic transactions, voting and being elected to public office. In addition, these achievements have contributed positively to family life by making polygamy illegal and has further promoted equality between men and women by removing all legal recognition of so-called "crimes of honour".

c. Committee on the Elimination of Discrimination Against Women

GENERAL COMMENTS

General Recommendation No. 12: Violence against women, 06/03/89
HRI/GEN/1/Rev.1

[FULL TEXT:]

The Committee on the Elimination of Discrimination against Women,
Considering that articles 2, 5, 11, 12 and 16 of the Convention require the States parties to act to protect women against violence of any kind occurring within the family, at the workplace or in any other area of social life,
Taking into account Economic and Social Council resolution 1988/27,
Recommends to the States parties that they should include in their periodic reports to the Committee information about:

1. The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the workplace, etc.);

2. Other measures adopted to eradicate this violence;
3. The existence of support services for women who are the victims of aggression or abuses;
4. Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence.

General Recommendation No. 19: Violence against Women, 30/01/92.
HRI\GEN\1\Rev.1

Para 11 Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities.

General Recommendation No. 21: Equality in marriage and family relations, 04/02/94
HRI\GEN\1\Rev.1

Para 15 While most countries report that national constitutions and laws comply with the Convention, custom, tradition and failure to enforce these laws in reality contravenes the Convention.

Para 16 A woman's right to choose a spouse and to enter freely into marriage is central to her life and her dignity and equality as a human being. An examination of the states parties' reports discloses that there are countries which, on the basis of custom, religious beliefs or the ethnic origins of particular groups of people, permit forced marriages or remarriages, other countries allow a woman's marriage to be arranged for payment or preferment and in other countries women's poverty forces them to marry foreign nationals for financial security. Subject to reasonable restrictions on a woman's youth or consanguinity with her partner, a woman's right to choose when, if and whom she will marry must be protected and enforced at law.

CONCLUDING OBSERVATIONS

Egypt, 02/02/2001
CEDAW/C/2001/I/Add.2

Para 33 The Committee expresses its concern that, although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape, violence against women in detention centres and crimes committed in the name of honour, or the punishment of perpetrators. The Committee is also concerned at the high level of violence against adolescent girls and young married women.

Para 35 The Committee expresses concern that several provisions of the Penal Code discriminate against women. In particular, in case of murder following the crime of adultery, men and women are not treated equally. In addition, prostitutes are penalized, while their clients are not.

Para 36 The Committee urges the Government to eliminate any discriminatory penal provisions, in accordance with the Constitution and the Convention.

Guinea, 31/07/2001
CEDAW/A/56/38

Para 122 The Committee notes with concern that, despite prohibitions in statutory law, there is wide social acceptance and lack of sanctions for such practices as female genital mutilation, polygamy and forced marriage, including levirate and sororate, and discrimination in regard to child custody and inheritance. It expresses concern that the civil code contains provisions in family law that discriminate against women and that reinforce discriminatory social practices. The Committee also expresses concern that the Government uses social practices and customs to justify the non-enforcement of the civil code.

Para 123 The Committee recommends that the Government develop an action plan, including a public-awareness campaign targeted at both women and men, with the support of civil society and social partners, to eliminate the gap between statutory law and social customs and practices, especially with regard to family law. It encourages the State party to work with relevant ministries and non-governmental organizations, including lawyers' associations and women's groups, to create an enabling environment for legal reform and effective law enforcement. The Committee calls upon the Government to ensure women's awareness of their rights and to explore and apply innovative methods to reach illiterate women.

India, 01/02/2000
CEDAW/C/2000/I/CRP.3/Add.4/Rev.1.

Para 39 The Committee is concerned that there is a high incidence of gender-based violence against women, which takes even more extreme forms because of customary practices, such as dowry, sati and the devadasi system. Discrimination against women who belong to particular castes or ethnic or religious groups is also manifest in extreme forms of physical and sexual violence and harassment.

Para 40 The Committee urges the Government to implement existing legislation prohibiting such practices as dowry, devadasi and caste-based discrimination. It calls upon the Government to strengthen law enforcement and introduce reforms proposed by the National Commission on Women and women activists in regard to the law on rape, sexual harassment and domestic violence.

Iraq, 14/06/2000
CEDAW/C/2000/II/Add.7

Para 28 The Committee is also deeply concerned by the violence against women perpetrated through honour killings.

Para 29 The Committee urges the Government in particular to condemn and eradicate honour killings and ensure that these crimes are prosecuted and punished in the same way as other homicides.

Israel, 12/08/1997
A/52/38/Rev.1, Part II

Para 163 The Committee was concerned about remaining instances of polygamy, forced marriage and genital mutilation, as well as "honour killing".

Para 178 The Committee strongly suggested that the Government of Israel take necessary steps to eliminate practices which could not be justified on any grounds, such as forced marriages, female genital mutilation, honour killings and polygamy.

Jordan, 27/01/2000
A/55/38.

Para 178 The Committee expresses its concern that several provisions of the Penal Code continue to discriminate against women. In particular, the Committee is concerned that article 340 of the Penal Code excuses a man who kills or injures his wife or his female kin caught in the act of adultery.

Para 179 The Committee urges the Government to provide all possible support for the speedy repeal of article 340 and to undertake awareness-raising activities that make "honour killings" socially and morally unacceptable. It also urges the Government to take steps that ensure the replacement of protective custody with other types of protection for women.

Para 180 The Committee expresses its concern that the prohibition of abortion also applies to cases where pregnancy is due to rape or incest.

Para 181 The Committee calls on the Government to initiate legislative action to permit safe abortion for victims of rape and incest.

Sri Lanka, 30/01/2002
CEDAW/C/2002/I/CRP.3/Add.5

Para 15 The Committee commends the introduction of legal reforms that have been adopted since 1995, in particular the amendments to the Penal Code, which introduced new offences and more severe punishments with regard to violence against women, as well as the revision of the marriage laws, which increased the age of marriage, except in the case of Muslims, to 18 for both women and men.

Para 20 The Committee expresses its concern about the contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women. In particular, the Committee is concerned that the Muslim personal law, which, inter alia, does not provide a minimum age of marriage, is discriminatory against women. The Committee is further concerned that the

nationality law prevents a Sri Lankan woman from passing on her nationality to her children if her husband is not Sri Lankan, while a Sri Lankan man married to a non-Sri Lankan may do so.

Para 21 The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention, taking into account, where appropriate, suggestions by the Muslim community. The Committee encourages the Government to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

Trinidad and Tobago, 29/01/2002
CEDAW/C/2002/I/CRP.3/Add.4

Para 39 The Committee is disturbed that child marriages are sanctioned under several of the legal regimes regulating marriage. The Committee notes that such marriages are prohibited by article 16, paragraph 2, of the Convention, and that such marriages have serious consequences for girls, including with regard to health. The Committee is concerned about the high rate of teenage pregnancy and its consequences for girls' enjoyment of the rights guaranteed by the Convention, in particular in the sphere of education of girls.

Para 40 The Committee urges the Government to ensure that all its minimum age of marriage laws and other programmes to prevent early marriage are in line with the obligations of the Convention. The Committee also recommends that Trinidad and Tobago introduce appropriate policies and programmes for sex education and family planning education.

Turkey, 12/08/1997
A/52/38/Rev.1

Para 179 The Committee was concerned about the provisions of the Penal Code that allowed less rigorous sanctions or penalties for "honour killings". That concept contravened the principle of respect for human life and the security of all persons, which was protected by all the international human rights laws.

Para 195 The practice of so-called honour killings, based on customs and traditions, was a violation of the right to life and security of the persons and therefore must be appropriately addressed under the law. The Government was also invited to review in a critical manner the practice of virginity examinations in cases of alleged rape; likewise, it was invited to investigate whether coerced virginity examinations had been carried out on women in the investigation of sexual attacks or abuses or in any other circumstances.

Uruguay, 28/01/2002
CEDAW/C/2002/I/CRP.3/Add.6.

Para 26 The Committee expresses concern that, despite the efforts made in this respect, a comprehensive approach is not being taken towards the prevention and elimination of violence against women, particularly as regards domestic violence, crimes of honour and the punishment of offenders. The Committee notes that despite

the legislative action taken under the Citizen Security Act violence against women, particularly domestic violence, remains a serious problem for Uruguayan society.

Para 28 The Committee expresses concern that the Penal Code still contains a number of provisions that discriminate against women, such as articles 116 and 328, concerning the marriage of rapists and their victims, and mitigating circumstances with respect to abortion.

Para 29 The Committee calls on the Government to give priority to rescinding the above-mentioned articles of the Penal Code so as to bring the Code into line with the Convention on the Elimination of All Forms of Discrimination against Women, its general recommendations, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

d. Committee on the Rights of the Child

Concluding Observations

Bangladesh, 18/06/97
CRC/C/15/Add.74

Para 15 ...The Committee also notes the persistence of harmful practices such as dowry and early marriage

Para 38 The Committee recommends that the State party develop public awareness campaigns and measures to provide appropriate assistance to families in carrying out their child-rearing responsibilities with a view, inter alia, to preventing domestic violence, prohibiting corporal punishment, and preventing early marriages and other harmful traditional practices.

Burkina Faso, 25/04/1994
CRC/C/15/Add.19

Para 14 The Committee recommends that a comprehensive strategy be elaborated and effectively implemented by the Government of the State party to eradicate the existing discrimination against girls and women. In that context, special efforts should be made to prevent existing practices of forced marriage, female circumcision and domestic violence...

Democratic Republic of the Congo, 09/07/2001.
CRC/C/15/Add.153

Para 40 The Committee joins the State party in expressing concern that current legislation and common practice provide insufficient protection to children in the context of early and forced marriage (see paragraph 82 of the State party's report). The Committee is concerned at, inter alia the early marriage of many girls and by the practice through which an uncle may decide to marry his niece.

Para 41 The Committee recommends that the State party implement measures to ensure that traditional marriage practices, including forced marriages, which are harmful to children are prohibited through, inter alia, the adoption and implementation of appropriate legislation. The Committee recommends that the State party make use of information campaigns to help change practices, particularly in rural communities, and ensure that marriages are registered in all areas of the country.

Ethiopia, 21/02/2001
CRC/C/15/Add.144

Para 41 ...The Committee also recommends that every effort be made to ensure that provisions in the new Family Code which raise the minimum age for marriage of both girls and boys to 18 are respected in practice and that forced marriages are prevented.

India, 23/02/2000
CRC/C/15/Add.115

Para 32 The Committee notes the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including female infanticide, selective abortions, low school enrolment and high drop-out rates, early and forced marriages, and religion-based personal status laws which perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

Para 33 In accordance with article 2 of the Convention, the Committee encourages the State party to ensure the enforcement of protective laws. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. To assist in these efforts, political, religious and community leaders should be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls.

Jordan, 02/06/2000
CRC/C/15/Add.125

Para 36 In line with Commission on Human Rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, the Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, the Committee recommends to the State party to undertake awareness-raising activities demonstrating that such practices are socially and morally unacceptable, and to take steps that ensure that protective custody is replaced by other types of protection for women.

Lebanon, 01/02/2002
CRC/C/15/Add.169

Para 28 Noting the statement by the delegation as to the non-existence of the problem of crimes committed in the name of honour in the State party, the Committee is nevertheless concerned that the provisions relating to crimes perpetrated in the name of honour remain in the penal code. It is deeply concerned at the statement by the delegation that in some cases such crimes are not punished at all.

Para 29 The Committee recommends the State party to
a) rapidly review the legislation with a view to eliminating all provisions allowing reductions of sentence if the crime is committed for honour purposes;
b) amend the law in accordance with international standards and ensure prompt and thorough investigations and prosecutions; and
c) undertake awareness-raising activities to make such practices socially and morally unacceptable.

Sierra Leone, 24/02/2000
CRC/C/15/Add.116.

Para 24 The Committee is very concerned at the practice of arranging marriages - under customary law - for very young girls, in particular against the free will of the child. The Committee notes that such practices violate the provisions and principles of the Convention on the Rights of the Child.

Para 25 The Committee recommends that the State party undertake child rights promotional activities in communities which apply such customary law practices, explaining the rights of children in this regard with a view to ensuring that a minimum age for marriage is established, that it is the same for both boys and girls, and that girls are not forced into marriage.

Suriname, 28/06/2000
CRC/C/15/Add.130

Para 21 The Committee expresses concern at the low legal minimum age for marriage of girls - 15 years under the Civil Code and 13 years under the Asian Marriage Act. In this regard, the Committee notes with concern the practice of early and forced marriages which affects mostly girls, particularly those living in the interior. The Committee is also concerned about the low legal minimum age for marriage of boys (15 years) under the Asian Marriage Act. The Committee is further concerned about the disparity between the ages for boys and girls.

Para 22 The Committee recommends that the State party review its legislation relating to the legal ages for marriage to bring them into conformity with the provisions of the Convention and to eliminate discrimination. It is recommended that the State party take all appropriate measures to raise awareness about the harmful effects of early and forced marriages, particularly on girls.

Tanzania, 09/07/2001
CRC/C/15/Add.156

Para 51 The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health, survival and development of girls, such as infanticide and early

and forced marriages. The Committee urges the State party to continue to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.

Turkey, 09/07/2001
CRC/C/15/Add.152

Para 31 The Committee is deeply concerned about the violation of the right to life with reference to the practice of "honour killings", prevailing in particular in the eastern and south-eastern regions and among recent immigrants to cities, whereby immediate family members kill women who are suspected of being unchaste, and notes that often both victims and perpetrators are minors.

Para 32 In the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life) and article 19 (protection from all forms of violence) of the Convention and in line with Commission on Human Rights resolution 2001/45, with the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9, paras. 38-41) and with concluding observations of the Committee on the Elimination of Discrimination Against Women (A/52/38/Rev.1, paras. 179 and 195), the Committee strongly recommends that the State party review rapidly legislation with a view to addressing these crimes in an effective way and to eliminating all provisions allowing reductions of sentence if the crime is committed for honour purposes. It also recommends the development and effective implementation of an awareness raising and education campaign, involving also religious and community leaders, to combat effectively discriminatory attitudes and harmful traditions affecting girls, in particular in the eastern and south-eastern regions, by demonstrating that such practices are socially and morally unacceptable. The State party should also provide special training and resources to law enforcement personnel with a view to protecting in a more effective way girls who are in danger of "honour killing" and to prosecuting such cases in an effective way.

INTERNATIONAL MATERIALS

B. Charter-Based System

<i>i. General Assembly –Declarations and Resolutions</i>

Working towards the elimination of crimes against women committed in the name of honour, 18/12/2002

A/RES/57/179

The General Assembly,

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms, including the right to life, liberty and security of person, as stated in the Universal Declaration of Human Rights, and reaffirming also the obligations of States parties under human rights instruments, in particular the

International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women³ and the Convention on the Rights of the Child,

Recalling the Vienna Declaration and Programme of Action⁵ and the Declaration on the Elimination of Violence against Women, as well as the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, and the outcome document of the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”,

Bearing in mind that crimes against women committed in the name of honour are a human rights issue and that States have an obligation to exercise due diligence to prevent, investigate and punish the perpetrators of such crimes and to provide protection to the victims, and that not doing so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Stressing the need to treat all forms of violence against women and girls, including crimes committed in the name of honour, as a criminal offence, punishable by law,

Aware that inadequate understanding of the root causes of all violence against women, including crimes committed in the name of honour, which take many different forms, and inadequate data on such violence hinder informed policy analysis, at both the domestic and the international levels, and efforts to eliminate such violence,

Deeply concerned that women and girls are victims of these crimes, as described in the relevant sections of the reports of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, and notes in this regard the relevant parts of the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,

Emphasizing that such crimes are incompatible with all religious and cultural values, Bearing in mind Commission on Human Rights resolution 2002/52 of 23 April 2002,

Emphasizing that the elimination of crimes against women committed in the name of honour requires greater efforts and commitment on the part of Governments and the international community, inter alia, through international cooperation efforts, and civil society, including non-governmental organizations, and that fundamental changes in societal attitude are required,

Underlining the importance of the empowerment of women and their effective participation in decision-making and policy-making processes as one of the critical tools to prevent and eliminate crimes against women committed in the name of honour,

Welcomes:

The activities and initiatives of States aimed at the elimination of crimes against women committed in the name of honour, including the adoption of amendments to relevant national laws relating to such crimes, the effective implementation of such laws and educational, social and other measures, including national information and awareness-raising campaigns, as well as activities and initiatives of States aimed at the elimination of all other forms of violence against women;

The efforts, such as projects, undertaken by United Nations bodies, funds and programmes, including the United Nations Population Fund, the United Nations

Children's Fund and the United Nations Development Fund for Women, to address the issue of crimes against women committed in the name of honour, and encourages them to coordinate their efforts;

The work carried out by civil society, including non-governmental organizations, such as women's organizations, grass-roots movements and individuals, in raising awareness of such crimes and their harmful effects;

Expresses its concern that women continue to be victims of crimes committed in the name of honour, and at the continuing occurrence in all regions of the world of such violence, which takes many different forms, and at failures to prosecute and punish perpetrators;

Calls upon all States:

To fulfill their obligations under the relevant international human rights instruments and to implement the Beijing Declaration and Platform for Action⁷ and the outcome document of the special session of the General Assembly;

To continue to intensify efforts to prevent and eliminate crimes against women committed in the name of honour, which take many different forms, by using legislative, administrative and programmatic measures;

To investigate promptly and thoroughly, prosecute effectively and document cases of crimes against women committed in the name of honour and punish the perpetrators;

To take all necessary measures to ensure that such crimes are not tolerated;

To intensify efforts to raise awareness of the need to prevent and eliminate crimes against women committed in the name of honour, with the aim of changing the attitudes and behaviour that allow such crimes to be committed by involving, inter alia, community leaders;

To encourage the efforts of the media to engage in awareness-raising campaigns;

To encourage, support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes and consequences of crimes against women committed in the name of honour, including the provision of training for those responsible for enforcing the law, such as police personnel and judicial and legal personnel, and to strengthen their capacity to respond to complaints of such crimes in an impartial and effective manner and take necessary measures to ensure the protection of actual and potential victims;

To continue to support the work of civil society, including nongovernmental organizations, in addressing this issue and to strengthen cooperation with intergovernmental and non-governmental organizations;

To establish, strengthen or facilitate, where possible, support services to respond to the needs of actual and potential victims by, inter alia, providing for them the appropriate protection, safe shelter, counselling, legal aid, health-care services, rehabilitation and reintegration into society;

To address effectively complaints of crimes against women committed in the name of honour, inter alia, by creating, strengthening or facilitating institutional mechanisms so that victims and others can report such crimes in a safe and confidential environment;

To gather and disseminate statistical information on the occurrence of such crimes, including information disaggregated by age;

To include, if within their reporting obligations, information on legal and policy measures adopted and implemented in their efforts to prevent and eliminate crimes

against women committed in the name of honour, where appropriate, in their reports to the human rights treaty bodies, including the Committee on the Elimination of Discrimination against Women;

Invites:

The international community, including relevant United Nations bodies, funds and programmes, inter alia, through technical assistance and advisory services programmes, to support the efforts of all countries, at their request, aimed at strengthening institutional capacity for preventing crimes against women committed in the name of honour and at addressing the root causes of such crimes;

The relevant human rights treaty bodies to continue to address this issue, where appropriate;

The Commission on the Status of Women to address this subject at its forty-seventh session under the priority theme “Women’s human rights and the elimination of all forms of violence against women and girls, as defined in the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled ‘Women 2000: gender equality, development and peace for the twenty-first century’ ”;

Takes note of the report of the Secretary-General;

Requests the Secretary-General to include in his report on the issue of elimination of violence against women to be submitted to the General Assembly at its fifty-ninth session a substantive report on the subject of the present resolution, based on all available data, containing an analysis of the root causes of these crimes, supportive statistical data, where available, and information on initiatives taken by States.

Working towards the elimination of crimes against women committed in the name of honour, 04/12/2000

A/RES/55/66

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, and reaffirming also their obligations under human rights instruments, in particular the Universal Declaration of Human Rights, Resolution 217 A (III), the International Covenant on Economic, Social and Cultural Rights, See resolution 2200 A (XXI), annex, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women Resolution 34/180, annex, and the Convention on the Rights of the Child, Resolution 44/25, annex.

Bearing in mind the Declaration on the Elimination of Violence against Women, See resolution 48/104, as well as the Beijing Declaration Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I, and Platform for Action Ibid., annex II, adopted at the Fourth World Conference on Women, and recalling the outcome document of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”, Resolution S-23/3, annex.

Bearing in mind also that crimes against women committed in the name of honour are a human rights issue and that States have an obligation to exercise due diligence to prevent, investigate and punish the perpetrators of such crimes and to provide protection to the victims, and that the failure to do so constitutes a human rights violation,

Aware that inadequate understanding of the root causes of all violence against women, including crimes committed in the name of honour, and inadequate data on such violence hinder informed policy analysis, at both the domestic and the international levels, and efforts to eliminate such violence,

Noting general recommendation 19 concerning violence against women adopted by the Committee on the Elimination of Discrimination against Women, See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), sect. I.

Noting also relevant paragraphs in recent reports of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, E/CN.4/2000/68 and Add.1–5. the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions See A/55/288. and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, E/CN.4/2000/61 and Corr.1. and of the Special Rapporteur of the Subcommission on the Promotion and Protection of Human Rights on traditional practices affecting the health of women and the girl child, E/CN.4/Sub.2/1998/11, E/CN.4/Sub.2/1999/14 and E/CN.4/Sub.2/2000/17.

Bearing in mind relevant paragraphs in Commission on Human Rights resolutions 2000/31 and 2000/45, of 20 April 2000, See Official Records of the Economic and Social Council, 2000, Supplement No. 3 and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A. as well as in resolution 2000/10 of 17 August 2000 of the Subcommission on the Promotion and Protection of Human Rights, See E/CN.4/Sub.2/2000/L.11/Add.1, chap. II, sect. A.

Emphasizing that the elimination of crimes against women committed in the name of honour requires greater efforts and commitment from Governments and the international community, inter alia, through international cooperation efforts, and civil society, including non-governmental and community organizations, and that fundamental changes in societal attitude are required, and underlining the importance of the empowerment of women as a tool,

Expresses its concern at the fact that women continue to be victims of various forms of violence, including those that are identified in the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",⁸ and at the continuing occurrence in all regions of the world of such violence, including crimes against women committed in the name of honour, which take many different forms, and also expresses its concern at the fact that some perpetrators assume that they have some justification for committing such crimes;

Welcomes the activities of States aimed at the elimination of crimes against women committed in the name of honour, including the adoption of amendments to relevant national laws relating to such crimes, the effective implementation of such laws and national campaigns, all of which have already led to a decrease in the incidence of these crimes in some countries;

Also welcomes the efforts, such as concrete projects, undertaken by United Nations bodies, programmes and organizations, including the United Nations Population Fund, the United Nations Children's Fund and the United Nations Development Fund for Women, to address the issue of crimes against women committed in the name of honour, and encourages them to coordinate their efforts, and further welcomes the work carried out by civil society, including non-governmental organizations, such as women's organizations, grass-roots movements and individuals, in raising awareness of such crimes and their harmful effects;

Calls upon all States:

To implement their relevant obligations under international human rights law and to implement specific international commitments, inter alia, under the outcome document of the twenty-third special session of the General Assembly;

To intensify efforts to prevent and eliminate crimes against women committed in the name of honour, which take many different forms, by using legislative, educational, social and other measures, including the dissemination of information, and to involve, among others, public opinion leaders, educators, religious leaders, chiefs, traditional leaders and the media in awareness-raising campaigns;

To encourage, support and implement measures and programmes aimed at increasing the knowledge and the understanding of the causes and consequences of crimes against women committed in the name of honour, among those responsible for enforcing the law and implementing policies, such as police personnel, judicial workers and health personnel;

To establish, strengthen or facilitate, where possible, support services to respond to the needs of actual and potential victims by, inter alia, providing for them the appropriate protection, safe shelter, counselling, legal aid, rehabilitation and reintegration into society;

To create, strengthen or facilitate institutional mechanisms so that victims and others can report such crimes in a safe and confidential environment, and encourages States to gather and disseminate statistical information on the occurrence of such crimes;

Invites the international community, including United Nations bodies, programmes and organizations, inter alia, through the technical assistance and advisory services programmes of the United Nations Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Fund for Women, to support the efforts of all countries, at their request, aimed at strengthening institutional capacity for preventing crimes against women committed in the name of honour and at addressing their root causes;

Encourages the relevant human rights treaty bodies to continue to address this issue, where appropriate;

Requests the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the subject of the present resolution, including on initiatives taken by States to work towards the elimination of the crimes in question.

The Right to Life, Liberty and Security of the Person

DECLARATIONS

Declaration on the Rights of the Child
A/4354, resolution 1386(XIV), 1959

Principle 2 The child shall enjoy special protection, and shall be given opportunities and facilities, by law and other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of law for this purpose, the best interest of the child shall be the paramount consideration

RESOLUTIONS

Extrajudicial, summary or arbitrary executions A/RES/57/214
[Taken from the report of the Third Committee (A/57/556/Add.2 and Corr.1-3), 2003]

Para 6 Reaffirms the obligation of Governments to ensure the protection of the right to life of all persons under their jurisdiction, and calls upon Governments concerned to investigate promptly and thoroughly all cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, racially motivated violence leading to the death of the victim, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, as well as other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and ensure that such killings, including killings committed by security forces, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

Extrajudicial, summary or arbitrary executions, 12/03/2001.
A/RES/55/111

Para 7 Calls upon Governments concerned to investigate promptly and thoroughly cases in various parts of the world of killings committed in the name of passion or in the name of honour, persons killed for reasons related to their peaceful activities as human rights defenders or as journalists, racially motivated violence leading to the death of the victim as well as other persons whose right to life has been violated, and to bring those responsible to justice before an independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

The Prohibition on Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment

Declaration on the Elimination of Violence Against Women
A/RES/48/104, resolution 48/104, 1994.

Article 3 Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, social, cultural, civil or any other field. These rights include, inter alia,

...

(h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

The Right to Freedom from Gender-Based Discrimination

DECLARATIONS

Declaration on the Elimination of All Forms of Discrimination against Women
Resolution 2263(XXII), 1967.

Article 3 All appropriate measures shall be taken to educate the public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women.

Declaration on the Elimination of Violence Against Women
A/RES/48/104, resolution 48/104, 1994.

Article 3 Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, social, cultural, civil or any other field. These rights include, inter alia,

...

(d) The right to equal protection under the law;

(e) The right to be free of all forms of discrimination

RESOLUTIONS

Further actions and initiatives to implement the Beijing Declaration and Platform for Action
A/RES/S-23/3, 2000,

The General Assembly

Adopts the further actions and initiatives to implement the Beijing Declaration and Platform for Action, annexed to the present resolution...

Violence Against Women

Para 13 Achievements ...Efforts towards the eradication of harmful traditional practices, including female genital mutilation, which is a form of violence against women, have received national, regional and international policy support. Many

Governments have introduced educational and outreach programmes, as well as legislative measures criminalizing these practices. In addition, this support includes the appointment of the Special Ambassador for the Elimination of Female Genital Mutilation by the United Nations Population Fund.

Para 14 Obstacles. ...There is a lack of comprehensive programmes dealing with the perpetrators, including programmes, where appropriate, which would enable them to solve problems without violence. Inadequate data on violence further impedes informed policymaking and analysis. Sociocultural attitudes which are discriminatory and economic inequalities reinforce women's subordinate place in society. This makes women and girls vulnerable to many forms of violence, such as physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. In many countries, a coordinated multidisciplinary approach to responding to violence which includes the health system, the workplace, the media, the education system, as well as the justice system, is still limited.

Action to be taken at the National Level

By Governments:

Para 69(e) Develop, adopt and fully implement laws and other measures, as appropriate, such as policies and educational programmes, to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriage and so-called honour crimes, which are violations of the human rights of women and girls and obstacles to the full enjoyment by women of their human rights and fundamental freedoms, and intensify efforts, in cooperation with local women's groups, to raise collective and individual awareness on how these harmful traditional or customary practices violate women's human rights;

D. Actions to be taken at the national and international levels By Governments, regional and international organizations, including the United Nations system, and international financial institutions and other actors, as appropriate:

Para 96(a) Increase cooperation, policy responses, effective implementation of national legislation and other protective and preventive measures aimed at the elimination of violence against women and girls, especially all forms of commercial sexual exploitation, as well as economic exploitation, including trafficking in women and children, female infanticide, crimes committed in the name of honour, crimes committed in the name of passion, racially motivated crimes, abduction and sale of children, dowry-related violence and deaths, acid attacks and harmful traditional or customary practices, such as female genital mutilation, early and forced marriages;

Elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

A/RES/55/68, 2000

The General Assembly,

Para 1 Expresses deep concern at the persistence of various forms of violence and crimes against women in all parts of the world, especially all forms of commercial sexual exploitation as well as economic exploitation, including trafficking in women and children, female infanticide, crimes committed in the name of honour, crimes committed in the name of passion, racially motivated crimes, the abduction and sale of children, dowry-related violence and deaths, forced marriages, acid attacks and harmful traditional or customary practices, such as female genital mutilation and early and forced marriages;

Para 11 Requests the Secretary-General to submit a comprehensive report on this matter to the General Assembly at its fifty-seventh session.

The Right to Marry and Found a Family

DECLARATIONS

Declaration on the Elimination of all forms of Discrimination Against Women
Resolution 2263(XXII), 1967.

Article 6(2) All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:

Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;

Women shall have equal rights with men during marriage and at its dissolution. In all cases the interest of the children shall be paramount;

Article 6(3) Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

RESOLUTIONS

Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Resolution 2018 (XX), 1965.

Principle 1 No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person, after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

Principle 2 Member States shall take legislative action to specify a minimum age for marriage, which in any case shall not be less than fifteen years of age; no marriage shall be legally entered into by any person under this age, except where a competent

authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

The Duty to Modify Customs that Discriminate against Women

Traditional or customary practices affecting the health of women and girls,
A/RES/56/128, 2001

Reaffirming its resolution 54/133 of 17 December 1999 and its other relevant resolutions and decisions, and bearing in mind those of the Economic and Social Council, the Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights,

Taking note of the reports of the Special Rapporteur of the Subcommission on the Promotion and Protection of Human Rights on traditional practices affecting the health of women and the girl child E/CN.4/Sub.2/2001/27. and of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, E/CN.4/2001/73 and Add.1 and 2.

Reaffirming the obligation of all States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, and emphasizing the obligations contained in human rights instruments, in particular articles 5 and 12 of the Convention on the Elimination of All Forms of Discrimination against Women, Resolution 34/180, annex. article 24 of the Convention on the Rights of the Child Resolution 44/25, annex. and article 12 of the International Covenant on Economic, Social and Cultural Rights, See resolution 2200 A (XXI), annex.

Bearing in mind article 2 (a) of the Declaration on the Elimination of Violence against Women, See resolution 48/104. and article 5, paragraph 5, of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, See resolution 36/55.

Recalling the provisions pertaining to traditional or customary practices affecting the health of women and girls contained in the outcome of the World Conference on Human Rights, A/CONF.157/24 (Part I), chap. III. the International Conference on Population and Development, Report of the International Conference on Population and Development, Cairo, 5–13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex. the Fourth World Conference on Women Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II. and the twenty-first, Resolution S-21/2, annex. twenty-third Resolution S-23/2, annex, and resolution S-23/3, annex. and twenty-sixth Resolution S-26/2, annex. special sessions of the General Assembly,

Recalling also general recommendation 14 concerning female circumcision adopted by the Committee on the Elimination of Discrimination against Women at its ninth session, See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 and corrigendum (A/45/38 and Corr.1), chap. IV, para. 438. paragraphs 11, 20 and 24 (l) of general recommendation concerning violence against women adopted by the Committee at its eleventh session, Ibid., Forty-seventh

Session, Supplement No. 38 (A/47/38), chap. I. paragraphs 15 (d) and 18 of general recommendation 24 concerning article 12 of the Convention on the Elimination of All Forms of Discrimination against Women on women and health adopted by the Committee at its twentieth session, *Ibid.*, Fifty-fourth Session, Supplement No. 38 (A/54/38/Rev.1), part one, chap. I, sect. A. and taking note of paragraphs 21, 35 and 51 of general comment No. 14 (2000) concerning article 12 of the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session, Official Records of the Economic and Social Council, 2001, Supplement No. 2 (E/2001/22), annex IV.

Reaffirming that harmful traditional or customary practices, including female genital mutilation, constitute a serious threat to the health of women and girls, and may have fatal consequences,

Expressing concern at the continuing large-scale existence of these practices,

Reaffirming that such harmful traditional or customary practices constitute a definite form of violence against women and girls and a serious violation of their human rights,

Emphasizing that the elimination of harmful traditional or customary practices will contribute to reducing the vulnerability of women and girls to human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other sexually transmitted infections,

Stressing that the elimination of such practices requires greater efforts and commitment from Governments, the international community and civil society, including non-governmental and community-based organizations, and that fundamental changes in societal attitudes are required,

Noting with appreciation the work done in the context of the Organization of African Unity to prepare a draft protocol to the African Charter on Human and Peoples' Rights United Nations, Treaty Series, vol. 1520, No. 26363. on the rights of women in Africa,

Welcoming the call for the elimination of all harmful traditional practices which are detrimental to girls' and women's rights and health made by the Pan-African Forum on the Future of Children, held in Cairo from 28 to 31 May 2001, See A/S-27/4, annex, para. 32 (g).

1. Welcomes:

- (a) The report of the Secretary-General, A/56/316. which provides encouraging examples of national and international developments;
- (b) The efforts undertaken by United Nations bodies, programmes and organizations, including the United Nations Children's Fund, the United Nations Population Fund,

the World Health Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Fund for Women and the Joint United Nations Programme on HIV/AIDS, to address the issue of traditional or customary practices affecting the health of women and girls, and encourages them to continue to coordinate their efforts;

(c) The work carried out by the Special Ambassador for the Elimination of Female Genital Mutilation of the United Nations Population Fund and her continuing contribution to the campaign to eliminate female genital mutilation;

(d) The work carried out by the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children and other non-governmental and community organizations, including women's organizations, in raising awareness of the harmful effects of such practices, in particular of female genital mutilation;

(e) The fact that the elimination of harmful traditional or customary practices will be considered during the special session of the General Assembly on children;

2. Emphasizes the need for technical and financial assistance to those developing countries working to achieve the elimination of traditional or customary practices affecting the health of women and girls from United Nations funds and programmes, international and regional financial institutions and bilateral and multilateral donors, as well as the need for assistance to non-governmental organizations and community-based groups active in this field from the international community;

3. Calls upon all States:

(a) To ratify or accede to, if they have not yet done so, the relevant human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women³ and the Convention on the Rights of the Child,⁴ to consider signing and ratifying or acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women Resolution 54/4, annex. and to respect and implement fully their obligations under any such treaties to which they are parties;

(b) To implement the international commitments made at relevant major United Nations conferences and special sessions and summit meetings of the General Assembly held since 1990 and their follow-up processes;

(c) To collect and disseminate basic data about the occurrence of traditional or customary practices affecting the health of women and girls, including female genital mutilation;

(d) To develop, adopt and implement national legislation, policies, plans and programmes that prohibit traditional or customary practices affecting the health of women and girls, including female genital mutilation, and to prosecute the perpetrators of such practices;

(e) To establish, if they have not done so, a concrete national mechanism for the implementation and monitoring of relevant legislation, law enforcement and national policies;

(f) To establish or strengthen support services to respond to the needs of victims by, inter alia, developing comprehensive and accessible sexual and reproductive health services and by providing training to health-care providers at all levels on the harmful health consequences of such practices;

(g) To address specifically in the training of health and other relevant personnel

traditional or customary practices affecting the health of women and girls, also addressing the increased vulnerability of women and girls to HIV/AIDS and other sexually transmitted infections due to such practices;

(h) To take all necessary measures to empower women and strengthen their economic independence and protect and promote the full enjoyment of all human rights and fundamental freedoms in order to allow women and girls better to protect themselves from, inter alia, traditional or customary practices affecting the health of women and girls;

(i) To intensify efforts to raise awareness of and to mobilize international and national public opinion concerning the harmful effects of traditional or customary practices affecting the health of women and girls, including female genital mutilation, inter alia, by involving public opinion leaders, educators, religious leaders, chiefs, traditional leaders, medical practitioners, teachers, women's health and family planning organizations, social workers, childcare agencies, relevant non-governmental organizations, the arts and the media in awareness-raising campaigns, in order to achieve the total elimination of those practices;

(j) To address traditional or customary practices affecting the health of women and girls in education curricula, as appropriate;

(k) To promote men's understanding of their roles and responsibilities with regard to promoting the elimination of harmful practices, such as female genital mutilation;

(l) To continue to take specific measures to increase the capacity of communities, including immigrant and refugee communities, in which female genital mutilation is practised, to engage in activities aimed at preventing and eliminating such practices;

(m) To explore, through consultations with communities and religious and cultural groups and their leaders, alternatives to harmful traditional or customary practices, in particular where those practices form part of a ritual ceremony or rite of passage, as well as through alternative training and education possibilities for traditional practitioners;

(n) To cooperate closely with the Special Rapporteur of the Subcommission on the Promotion and Protection of Human Rights on traditional practices affecting the health of women and the girl child, in particular by supplying all necessary information requested by her and by giving serious consideration to inviting her to visit their countries;

(o) To cooperate closely with relevant specialized agencies and United Nations funds and programmes, as well as with regional intergovernmental organizations, as appropriate, and relevant community and non-governmental organizations, including women's organizations, in a joint effort to eradicate traditional or customary practices affecting the health of women and girls;

(p) To include in their reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other relevant treaty bodies specific information on measures taken to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation, and to prosecute the perpetrators of such practices;

4. Invites:

(a) Relevant specialized agencies, United Nations bodies, regional intergovernmental organizations and non-governmental organizations to exchange information on the subject of the present resolution, and encourages the exchange of such information

- between non-governmental organizations active in this field and the bodies monitoring the implementation of relevant human rights treaties;
- (b) The Commission on the Status of Women to address this subject at its forty-seventh session under the priority theme "Women's human rights and elimination of all forms of violence against women and girls as defined in the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly";
- (c) Governments, organizations and individuals that are in a position to do so to contribute to the trust fund that supports the work of the Special Ambassador for the Elimination of Female Genital Mutilation of the United Nations Population Fund;

5. Requests the Secretary-General:

- (a) To continue to make his report available to relevant meetings within the United Nations system;
- (b) To report to the General Assembly at its fifty-eighth session on the implementation of the present resolution, with a special focus on recent national and international developments, including examples of national best practices and international cooperation.

ii. Commission on Human Rights

RESOLUTIONS

The Right to Life, Liberty and Security of the Person

Extrajudicial, summary or arbitrary executions, 2003.
E/CN.4/RES/2003/53

Para 1 Reaffirms the obligation of States to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon States concerned to investigate promptly and thoroughly all cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation; racially motivated violence leading to the death of the victim; killings of members of national, ethnic, religious or linguistic minorities, of refugees, of internally displaced persons, of street children or of members of indigenous communities; killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or as demonstrators, in particular as a consequence of their exercise of the right to freedom of opinion and expression; as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

Extrajudicial, summary or arbitrary executions, 2001
E/CN.4/RES/2001/45

Para 7 Also reiterates the obligation of Governments to ensure the protection and the inherent right to life of all persons under their jurisdiction and calls upon Governments concerned to investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, and racially motivated violence leading to the death of the victim, as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel.

Extrajudicial, summary or arbitrary executions, 2000
E/CN.4/RES/2000/31.

Para 6 Notes with concern the large number of cases in various parts of the world of killings committed in the name of passion or in the name of honour, persons killed because of their sexual orientation and persons killed for reasons related to their peaceful activities as human rights defenders or as journalists, reported by the Special Rapporteur and calls upon Governments concerned to investigate such killings promptly and thoroughly, to bring those responsible to justice and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

Elimination of violence against women, 2003.
E/CN.4/RES/2003/45

Para 4 Affirms that the term "violence against women" means 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, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation;

Para 5 Strongly condemns all acts of violence against women and girls and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

Para 7 Strongly condemns physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of women and girls in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation, crimes committed against women in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, incest, early and forced marriages, non-spousal violence and violence related to commercial sexual exploitation as well as economic exploitation;

Para 14 Stresses that States have an affirmative duty to promote and protect the human rights of women and girls and must exercise due diligence to prevent, investigate and punish acts of all forms of violence against women and girls, and calls upon States:

...

To condemn violence against women and not invoke custom, tradition or Practices in the name of religion or culture to avoid their obligations to eliminate such violence;

Elimination of violence against women, 2002.
E/CN.4/RES/2002/52

Para 3 Affirms that the term "violence against women" means 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, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation;

Para 6 Strongly condemns physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of women and girls in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation, crimes committed against women in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, incest, early and forced marriages, non-spousal violence and violence related to commercial sexual exploitation as well as economic exploitation;

Para 14 Stresses that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent, investigate and punish acts of all forms of violence against women, and calls upon States:

...

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;

Elimination of violence against women, 2001
E/CN.4/RES/2001/49

Para 3 Affirms that the term "violence against women" means 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, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, including female genital mutilation, and forced marriages;

Para 5 Strongly condemns physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

Para 10 Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

...

(b) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

Elimination of violence against women, 2000
E/CN.4/RES/2000/45

Para 3 Affirms that the term "violence against women" means 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, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, including female genital mutilation and forced marriages;

Para 5 Strongly condemns physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

Elimination of violence against women, 1999
E/CN.4/RES/1999/42

Para 13 Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent all forms of violence against women, and calls upon States:

...

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

Para 14 Calls upon States to eradicate traditional or customary practices affecting the health of women and girls through, in addition to national legislation and policies prohibiting such practices, appropriate measures against those responsible and the promotion of awareness, education and training;

Elimination of violence against women, 1998
E/CN.4/RES/1998/52

Para 11 Calls upon States to eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and that are violations of human rights and fundamental freedoms of women through the development and implementation of national legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness & shy; raising programmes, education and training;

The Right to be Free from Sexual Abuse and Exploitation

Traffic in women and girls, 2001.
E/CN.4/RES/2001/48

Para 6 Urges Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and children, in particular girls, for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

Traffic in women and girls, 1999.
E/CN.4/RES/1999/40

Para 1 Urges Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

SPECIAL RAPPORTEURS

Reports of the Special Rapporteur on extra-judicial, summary or arbitrary executions

2003 Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions
E/CN.4/2003/3

Para 59 The Special Rapporteur continues to receive reports of the murder of women in the name of honour, but she limits herself to act where the State either approves of or supports these acts or permits institutionalized impunity to the perpetrators, or impunity by giving tacit support to this criminal practice. The overwhelming number of “honour killings” are carried out by family members or in conspiracy with them. Laws allowing the heirs of the victims to either accept compensation in place of punishment or to pardon the offender therefore gives licence to male relatives to murder women on the justification of being offended by their behaviour. This form of institutionalized impunity for the so-called “honour killing” of women is unacceptable and is a violation of the right to life of a person on the basis of gender. The Special Rapporteur will closely follow the pattern of government inaction, in order to give a clearer picture through her report to be submitted in 2004.

[The Special Rapporteur recommends, inter alia]

Para 98 Governments must end systematic and institutional impunity for those who kill women in the name of honour and so-called morality.

Addendum 1 to the 2003 Report: Summary of cases transmitted to Governments and replies received
E/CN.4/2003/3/Add.1

Sweden

Urgent appeal

Para 283 On 19 April 2002, the Special Rapporteur jointly with the Special Rapporteur on torture, and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal to the Government of Sweden regarding **Mahnaz Allayveysi Ghasem**, of Kurdish origin, who was said to face imminent and forcible repatriation to the Islamic Republic of Iran, where she might be at risk of torture and other forms of ill-treatment or honour killing. She reportedly divorced an Iranian citizen whilst living in Germany in 1997 and returned to her family in Mahabad, Iran. There, it is believed that her family refused to let her stay with them and sent her back to Germany. She was allegedly told that she had left them “in white” (to get married) and that she would only come back “in white” (in a shroud). She later tried, under a false identity, to get refugee status in Sweden. Her application is said to have been rejected in March 1999. She then left to Finland where she lived with a man. It is alleged that her family, in particular her father and an uncle, threatened her by phone with death for living in a non-marital status with a man. According to the information received, she went back to Sweden in November 2001 where she filed a new application for asylum. It is reported that this application has now been rejected and that there is no appeal available. A first attempt to deport her to Iran was made on 17 April 2002, but the captain of the aircraft refused to take her on board because of her state of agitation. She was then taken to Karolinska Sjukhuset hospital, where she had already been treated for an incurable brain tumor. Medical doctors are believed to have indicated that no operation could be envisaged because of the position of the tumor. According to the information recently received, the authorities have planned to deport her early next week on a Turkish aircraft. It is believed that her health condition would make her particularly vulnerable to reprisals by her family if she was sent back to Iran. Finally, it is reported that a case has been

filed with the European Court on Human Rights and that a decision is expected in the coming days.

Communication received

Para 284 On 29 April 2002, the Government of Sweden replied to the Special Rapporteur regarding the case of **Mahnaz Allahveysi Ghasem**. The Government reminded the Special Rapporteur that the Swedish Migration Board and the Aliens Appeals Board, the latter being the last instance of appeal, examine applications for residence permits in Sweden and are independent from the Government which therefore cannot interfere in individual cases dealt with by these authorities. According to the Government, Mahnaz Allahveysi Ghasem applied for asylum under another name on 14 April 1998. In her application, she claimed that she had been forced to flee from Iran since Iranian authorities had discovered that she and her husband had been politically active in KDPI. The Migration Board decided not to grant her permission to reside in Sweden and ordered her expulsion. The Aliens Appeals Board refused her appeal. She then left for Finland where she applied for a residence permit under a different name. She was returned from Finland to Sweden in accordance with the Dublin Convention. In Sweden, she applied once again for a residence permit under a third name. She acknowledges that the original information she had given to the Swedish migration authorities was incorrect. She now stated that she had been ill-treated by her Iranian husband whom she had married and lived with in Germany. They divorced in 1998. After having stayed in Sweden she moved to Finland where she lived with another man. The Migration Board decided on 3 December 2001 not to grant her a residence permit. The Board considered that she had not been able to make credible that she would risk persecution if she were to return to Iran. The Board noted that she had been giving different information during different stages of the asylum investigation and that she had not even invoked the risk of being stoned at the original hearing held by the Board. The Aliens Appeals Board, in its refusal on her appeal on 7 February 2002, shared the Migration Board's reasoning with regard to her need of protection. It further stated that what she had declared regarding her health was not sufficient reason, in accordance with Swedish law and case law, to grant her a residence permit on humanitarian grounds. Ms Allahveysi Ghasem filed a renewed application declaring that she feared getting killed if returning to Iran. The Aliens Appeals Board turned down her renewed application on 25 March 2002. However, she renewed her application which was again rejected since the Board concluded that the circumstances brought forward could not lead to a different conclusion than the one previously rendered. Finally the Government informed that, to its knowledge, there has been no application filed with the European Court of Human Rights.

United Arab Emirates

Urgent appeal

Para 506 On 1st May 2002, the Special Rapporteur jointly with the Special Rapporteur on torture and the Special Rapporteur on violence against women, sent an urgent appeal regarding **Sabrina Imtiaz Syed**, aged 25, who faced imminent and forcible repatriation to Pakistan, possibly as early as 2 May, where she might be at risk of torture or honour killing. According to the information received, Sabrina Imtiaz Syed lives with her family in Dubai, where she was born and raised. In January

2000 she reportedly asked her father, a Shi'a Muslim cleric, for his permission to marry Ashfaq Muhammad, a Pakistani national. Her father reportedly refused because Ashfaq Muhammad is a Sunni Muslim. It is reported that after several months of trying without success to secure his permission, the couple flew to Pakistan where they secretly married in September 2000. In February 2002, the couple allegedly told Sabrina Imtiaz Syed's parents that they were already married, and moved into an apartment together. Her parents reportedly came to the apartment with two other people and severely beat the couple. Ashfaq Muhammad reported what had happened to the local police, but they did not take any action. The couple decided to seek asylum in Germany and arrived there on 20 March 2002. It is alleged that Sabrina's parents asked her to return to Dubai, saying that they were ready to accept her marriage. She returned on 18 April, but was reportedly arrested on arrival at the airport and taken to an "immigration jail". Her father met her there and allegedly told her that he had asked the authorities to revoke her visa and send her back to Pakistan, where his relatives would kill her for dishonouring the family by marrying against his wishes. Her family in Pakistan have reportedly said that they will kill her, because she has married against her father's wishes.

Annex 4 to the 2003 Report: Mission to Afghanistan
E/CN.4/2003/3/Add.4

Para 42 ...The lives of women remain vulnerable and there are reports of killings of women by their family members in the name of morality. Despite interventions by local NGOs, the authorities have looked away, and have taken no action to investigate such murders. Such gender-based impunity by any State is a clear discrimination of the right to life of women;

2002 Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions
E/CN.4/2002/74

Para 51 The Special Rapporteur continues to receive reports of murder of women in the name of honour, but she limits herself to act where the State either approves of or supports these acts or extends impunity to the perpetrators by giving tacit support to this criminal practice. The law whereby heirs of the victims can either accept compensation in place of any form of punishment or pardon the offender gives an open licence to male relatives to murder women on the justification of being offended by the dead women's behaviour. This form of institutionalized impunity for the so-called "honour killing" of women is unacceptable and is a violation of the right to life of a person on the basis of her sex. During her mission to Turkey, the Special Rapporteur also discussed the issue of "honour killings" with human rights defenders, lawyers and witnesses. For a more detailed discussion on this matter, see addendum 1 to the present report.

Para 147 The main reason for the perpetuation of the practice of "honour" killings is the lack of political will by Governments to bring the perpetrators of these crimes to justice. Governments are urged to make legislative changes to ensure that such killings receive no discriminatory treatment under the law and to sensitize their judiciary to gender issues. Those threatening the life of a female victim should be brought to justice. Correctional and custody homes run by Governments should not

be permitted to detain forcibly women whose lives are at risk. Prisons should never be used to detain potential victims of honour killings.

Annex to the 2002: Mission to Turkey
E/CN.4/2002/74/Add.1

Para 64 The Special Rapporteur received reports of “honour” killings of women, mostly occurring in the east and south-east of the country. During her mission, the Special Rapporteur met a young man in prison who had killed his mother and was extremely remorseful about it. Women’s rights organizations reported that impunity in such cases is taken for granted, as women’s right to life remains subject to so-called social values. The Special Rapporteur noted with concern that apart from a few women’s rights organizations, all other non-governmental organizations dealing with human rights were of the opinion that “honour” killings were not a concern for human rights advocates. They did not consider it a human rights concern but a social issue. Reports from women’s rights groups confirm that only a few cases come to light, as the local authorities and society in general condone the crime. A large number of cases go unreported and the few that are reported hardly ever reach the trial stage. The exceptional cases brought to trial and ending in convictions receive a token punishment.

Para 65 Under Turkish law, killing an immediate relative is punishable by death. But if the killing is committed as a result of “heavy provocation”, the sentence is significantly reduced. Women lawyers quoted several judgements in which judges reduced sentences by seven eighths if doubt had been expressed by the defence as to the morality of the female victim. Many cases of women being threatened with “honour killing” were also reported to the Special Rapporteur. As a preventive measure, the Government runs shelter homes but does not, as a policy, arrest family members threatening the lives of victimized woman. Existing shelters are insufficient and ineffective in guaranteeing the right to life of threatened women. There are eight State-run and two non-governmental shelters for women, most of them in urban centres.

Para 66 In this connection, the Special Rapporteur wishes to make reference to her earlier reports to the Commission on Human Rights in which she has discussed the issue of so-called “honour killings” at length and in greater detail. In her report to the fifty-sixth session of the Commission (E/CN.4/2000/3), the Special Rapporteur welcomed initiatives by the Government of Turkey to amend its legislation in order to bring it into conformity with international standards pertaining to “honour killings”. She strongly encourages the Government to pursue its declared policy in this regard.

2001 Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions
E/CN.4/2001/9

Para 41 The Special Rapporteur has further received a considerable amount of information regarding traditional practices, particularly so-called “honour killings”, targeting women. It is the right of every individual to enjoy the rights to life, liberty and security. Governments are obliged to protect these rights by law and to take all appropriate measures, including legislation, to modify or abolish existing laws,

regulations, customs and practices which are in violation of the human rights of women. The Special Rapporteur continues to work closely with the Special Rapporteur on violence against women and the Special Rapporteur on the independence of judges and lawyers to monitor incidents of killings of women in the name of honour. The Special Rapporteur does not take up all cases of such killings, but has limited herself to act where the State either approves of or supports these acts, or extends impunity to the perpetrators by giving tacit support to the practice. She notes that some Governments have indicated their disapproval of the practice of “honour killings” and some others have publicly condemned the practice. In her last report to the Commission (E/CN.4/2000/3), the Special Rapporteur noted that a number of renowned Islamic leaders and scholars have publicly condemned this practice. More recently, a constitutional body in Pakistan, the Council of Islamic Ideology, has categorically stated that such killings are not in conformity with Islamic injunctions. However, there remains a huge gap between words and action. In this connection, she notes that the General Assembly at its fifty-fifth session adopted resolution 55/66 entitled “Elimination of crimes against women committed in the name of honour”.

Para 117 The main reason for the perpetuation of the practice of “honour” killings is the lack of political will by Governments to bring the perpetrators of these crimes to justice. Governments are urged to make legislative changes to ensure that such killings receive no discriminatory treatment under the law and sensitise their judiciary to gender issues. Those threatening the life of a female victim should be brought to justice. Government homes for women should not be permitted to detain against their will women whose lives are at risk. Prisons should never be used to detain potential victims of honour killings.

1999 Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions
E/CN.4/1999/39

Para 74 The Special Rapporteur’s attention has been drawn to certain traditional practices which, when condoned or ignored by the authorities, may constitute violations of the right to life. She is deeply disturbed by reports of so-called “honour killings” reported to take place in some countries in the Middle East, Latin America and South Asia, where husbands, fathers or brothers have gone unpunished after having murdered their wives, daughters or sisters in order to defend the honour of the family. She has also received accounts of such cases reported to have occurred in Turkey. This practice is usually resorted to when a woman is believed to have engaged in a sexual relationship with a man. In other cases women have reportedly been killed by their husbands after having demanded a divorce. The “honour killing” is usually a decision by an improvised tribunal consisting of male family members, and is as a general rule carried out by an under-age male relative of the woman. Such offenders are given special consideration of mitigation on the plea of cultural sensitivity. The Special Rapporteur has been informed that men who commit “honour killings” normally receive considerably shorter sentences, as the courts view defense of the family as a mitigating circumstance. It is also alleged that the police often fail to intervene to stop “honour killings” they are made aware of. The Special Rapporteur has received reports that in 1997 in Jordan more than 20 women were murdered by male relatives claiming to have acted in defense of their

family's honour. She has also been informed that the Jordanian Penal Code includes several articles providing for reduced penalties for men who kill their wives or female relatives because of adulterous relationships. It further appears that in these cases Jordanian courts often pass reduced sentences ranging from two years to six months or imprisonment.

Para 75 The Special Rapporteur urges States, and in particular member of the judiciary in the countries concerned, to use all their authority and integrity to bring this unacceptable practice to an end. With regard to the situation in Jordan, the Special Rapporteur is encouraged to note that in recent times members of the Royal Family have taken a personal interest in addressing the country's problem of violence against women, including the practice of "honour killings".

Reports of the Special Rapporteur on violence against women, its causes and consequences

2003 Report of the Special Rapporteur on violence against women, its causes and consequences
E/CN.4/2003/75

Para 38 The classical approaches to rape and sexual violence present a legal structure that is deeply suspicious of the victim. In some countries, rape is seen as a crime of honour and not a crime against the person. This paradigm sees rape as a moral issue and not a problem of violence. If the woman is not "honourable" in the social sense, then her case can falter on the facts. In some countries a man can be excused of his crime if he marries the woman he raped. In this way the "honour" of the woman and the "integrity" of her family are seen to be protected. In these systems of law, rape as a violation of the human person is not given its due place in the criminal law.

Para 64 Over the past decade a number of cultural practices have been brought to the attention of the international community. Among them are female genital mutilation, honour killings, sati (widow burning), punishment according to religious-based law and other practices that are particular to certain cultural communities. The Special Rapporteur's report to the fifty-eighth session of the Commission (E/CN.4/2002/83) highlighted many practices that exist throughout the world and in every region.

Para 88 States should implement General Assembly resolution 57/179 on working towards the elimination of crimes against women committed in the name of honour and intensify efforts to prevent and eliminate such crimes by using legislative, administrative and programmatic measures.

Addendum 1 to the 2003 Report: International, regional and national developments in the area of violence against women 1994-2003
E/CN.4/2003/75/Add.1

Cameroon
[Issues of Concern]

Para 123 The Special Rapporteur is gravely concerned about the exemption from punishment for rape if the rapist marries the victim. It allows the rapist's criminal responsibility to be extinguished, thus treating rape as a crime distinguished from other crimes against a person, and it undermines the woman's free and full consent to marriage since she is often put under pressure in order to save her and the family's "honour".

Para 125 Another problem facing women is forced marriage; in some regions, girls' parents can and do give them away in marriage without their consent. Often, the husband, who sometimes is many years older than the girl, pays a bride's parents a "bride price." Since a price has been paid, the girl is considered the property of the husband. When a married man dies, his widow often is unable to collect any inheritance, since she herself is considered part of the man's property. Often the widow is forced to marry one of the deceased's brothers. Refusal means that she must repay the bride price in full (she usually has no source of funds) and leave the family property. In the Northern provinces, some Lamibe (traditional rulers) reportedly prevent their wives and concubines from leaving their palaces. The lack of a national legal code covering the family leaves women defenceless against male-oriented customs.

Sudan

[Issues of Concern]

Para 571 The payment of bride price, linked to early marriages, increases the vulnerability of girls to violence at the hands of their husbands and parents-in-law, when the husband and his family feel they have "purchased" the wife and may therefore treat her in whichever way they see fit.

Para 572 In Sudan, rape is one of the most common forms of violence against women. Displaced women and girls are particularly vulnerable to rape and sexual abuse. Women and girls in Sudan are not very likely to report instances of rape for fear of the reflection it might have on their families, and the reputation that they might acquire if anyone finds out about it. In addition to the social stigma which is attached to rape in Sudan, the laws relating to rape do not encourage women to denounce the crime of rape. Reportedly, the lack of consent cannot be proved without testimony of physical violence. Testimony from four adult witnesses is also a prerequisite to proving rape. The victim also may run the risk of being accused of committing adultery, which is considered a Hudood offence, an offence of honour, reputation and public morality. In the case of Hudood offences, a woman's testimony has limited effect: the testimony of two women has the same credibility as the testimony of one man. Therefore, a woman or a girl who has been raped runs the risk, if she fails to prove the rape, of being prosecuted, convicted and sentenced for adultery – according to article 146 of the Criminal Act 1991 – with death by stoning if she is married and with 100 lashes if she is not married.

The Arab region

[The League of Arab States (LAS) and its work to promote and protect women's rights in the region]

Para 689 In many States there is no authority guaranteeing the enforcement of the constitutional equality for women nor the prohibition of violence against them. Sometimes women, victims of gender-based violence [In cases of sexual assault as a rape, incest ...] are put in jail to be “protected” [Jordan] for example in cases of honour killing. At other times [Yemen] when women have finished their prison sentence a man/legal guardian must pick them up from the prison; if not, they will not be allowed to leave and may remain indefinitely. There have been reports that women in Yemen suffer from entrenched gender discrimination in the judicial and penitential systems and that women are frequently subjected to arbitrary detention for alleged crimes against “morals”. UNICEF estimated that in 1998 there were approximately 1,000 women incarcerated in State detention facilities throughout Yemen[UNICEF, 1998 Study on women and children in Yemen, p. 8]. There have been numerous reports that conditions for female prisoners are very poor, with allegations that detained women are routinely abused by the almost exclusively male prison staff. (Jalal Al-Shara’abi, “Violence against Women in Yemen”, Yemen Times, 31 January-6 February 2000, vol. X).

[Remaining regional challenges]

Para 696 ...Traditional practices undermine women's rights, such as denial of education, early and forced marriage, domestic violence, crimes committed in the name of honour, dowry and female genital mutilation (more than 130 million girls or women have undergone some sort of mutilation).

Egypt

[Issues of concern]

Para 727 The Committee on the Elimination of Discrimination against Women, in its 2001 concluding observations, expressed its concern that, although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape, violence against women in detention centres and crimes committed in the name of honour or the punishment of perpetrators. The Committee is also concerned at the high level of violence against adolescent girls and young married women.

Para 728 ... "Honour killings" (a man murdering a female for her perceived lack of chastity) are known to occur, but are not common. According to reports, the courts sentence perpetrators of honour killings to lighter punishments than those convicted in other cases of murder. The Egyptian law stipulates that the legal age for marriage is 16 for girls and 18 for boys...this law is rarely enforced and even younger marriages of girls remain widespread. Early marriage often leads to early pregnancy, before girls are biologically and psychologically mature, which is detrimental to both the mother and the child's life.

Iraq

[Legislation]

Para 733 In April 2000, the Patriotic Union of Kurdistan (PUK) declared that immunity would not be given for honour crimes in the area under its control. In September 2001 the Kurdistan Democratic Party (KDP) began admitting women to

the police academy in preparation for the planned integration of women into the police force. Several active women's organizations operate in the Kurd-controlled regions in the north. Rape is prohibited by law. Spousal violence constitutes grounds for divorce and may be prosecuted; however, suits brought on such charges are reportedly rare. Under a 1990 law, men who committed honor crimes may receive immunity from prosecution. The Iraqi Kurdistan parliament has recently amended legislation for "honour crimes" by abolishing a legal loophole that allowed perpetrators to receive light sentence by claiming "mitigating circumstances". Prostitution is illegal.

[Issues of concern]

Para 738 The prevailing view that emphasizes women's stereotypical role in the family and in private life to the detriment of establishing equality of women in all spheres of life. The insufficient attention given to modifying harmful traditional and cultural practices (e.g. polygamy) and stereotypical attitudes that perpetuate discrimination against women; honour killings; the continuing low representation of women in public life; the level of illiteracy among women, the increasing rate at which girls drop out of compulsory education and the low enrolment of women in technical schools; women's low participation in the labour market; the absence of a law establishing minimum wages.

Para 742 The Criminal Code provides leniency for a person found guilty of committing an "honour crime", a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct. The Government issued a draft law in November 1999 that, if approved, would have both cancelled article 340 and increased the penalties for people found guilty of adultery. At the end of January 2000, however, the Lower House rejected the draft bill for a second time. In December 2001, article 340 of the Penal Code was repealed and replaced with a provision that permits a reduction in penalty only if the murder is committed immediately on finding the victim in the act of committing adultery. While the amendment of article 340 is welcomed, those committed so called "honour" killings still benefit from the provisions of articles 97 and 98.

Jordan

[Landmark cases]

Para 746 In October 2002, for the first time, the Court of Cassation sent an "honour" crime case back to the Criminal Court for tougher sentencing on the basis that the murder was premeditated. The original three-month sentence passed against Fawaz Syouf was increased to 10 years.

[Issues of concern]

Para 752 "Honour killings" (the murder of women for alleged sexual impropriety as well as rape) are the most extreme forms of violence against women in Jordan. It is also considered one of the most common forms of violence in the Jordanian community. It is widespread among all social classes, regardless of economic or educational status. However, indicators suggest that it may worsen with the spread of poverty. Fourteen such murders were reported in 2001, the victims were

strangled, stabbed, or shot several times. The actual number of honour crimes is believed to be significantly higher: it is reported that nearly two dozen women and children have been killed in Jordan so far in 2002 in the name of family honour. According to information received, it is estimated that 25 per cent of all murders committed in the country are honour crimes. The Special Rapporteur notes with concern that women such as these have nowhere to turn when they are under threat of an attack. There is no national women's shelter in Jordan. The police regularly imprison women who are potential victims of honor crimes for their own protection. There were up to 40 women involuntarily detained in such "protective custody" in 2001.

Kuwait

[Issues of concern]

Para 746 In its concluding observations and comments, the Human Rights Committee noted a number of areas of concern, including discrimination against women that limits their enjoyment of Covenant rights; the difference in marriage age for women and men (15 years for women and 17 for men); polygamy still being practised; provisions that do not treat women and men who commit adultery in the same manner; and the tolerance of so-called "honour crimes."

Lebanon

[Legislation]

Para 766 According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. In 1999 the law was amended to increase the severity of the sentence for perpetrators of "honour crimes". Several instances of honour crimes are reported in the media every year, and reportedly there were an average of two to three cases of honour crimes each month in 2001. No person has been convicted in a case legally considered as an honour crime.

Morocco

[Legislation]

Para 779 The Criminal Code provides for severe punishment for men convicted of rape or sexual assault. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victims' families may offer rapists the opportunity to marry their victims in order to preserve the honour of the family.

[Issues of concern]

Para 788 The law is more lenient toward men with respect to crimes committed against their wives; for example, a light sentence may be accorded a man who murders his wife after catching her in the act of adultery. However, such "honour crimes," remain rare in Morocco.

Qatar
[Legislation]

Para 801 The maximum penalty for rape is death. The legal system allows leniency for a man found guilty of committing a "crime of honour," however; such honor killings are reportedly rare.

Syria
[Legislation]

Para 820 The law specifically provides for reduced sentences in "honour crimes". Instances of honour crimes occur primarily in rural areas in which Bedouin customs prevail.

Yemen
[Issues of concern]

Para 869 In general, the position and status of women in Yemeni society are heavily influenced by family and tribal structures and the "correct behaviour" of women is regarded as being central to the honour of the family. These social customs inform and support restrictive interpretations of religious laws and have frequently resulted in ongoing violations of women's rights, including a widespread failure to provide women with legal protection against violence and the increased vulnerability of women to accusations of "moral crimes."

Israel and the occupied territories
[Issues of concern]

Para 1028 Every year, women and girls in Israel are murdered in order to preserve the so-called "family honour". According to data provided by the police, 20 women have been killed for crimes committed on what they call a "romantic basis" in 2001. According to reports, between 1990 and the end of 1999, there were 67 murders of women for reasons related to "family honour". Many of these crimes have not been resolved; this is reportedly partially because of a lack of willingness to pursue the issue, and partially because of the complicity of the community itself – an unwillingness to help bring the killers to justice. It is reported that most judges, as police, continue to regard "honour" crimes as a private issue and as a phenomenon that stems from the social norms and values of traditional Palestinian society, and they take the view that their judgments must be sensitive to these "cultural concerns".

Para 1029 ...the phenomenon of forced marriage still exists in Israel. Particularly in Muslim communities and especially among the Bedouin, young women are reportedly sold by their fathers or other male relatives to significantly older men for marriage, or families decide for their daughters on the day of their birth whom they will marry when they reach marriageable age, or in some cases women do not sign their own marriage contracts, but have rather their fathers or other male relatives sign it. Although the Ministry of Interior has the ability to trace these cases by checking the signatures, to date it has reportedly taken no action.

Para 1031 The criminal justice system contains gender bias that contributes to the perpetuation of a social climate that condones violence against women, including crimes against women committed in the name of “honour”.

Pakistan
[Legislation]

Para 1125 Under the penal code, honour killings are treated as murder. However, the law states that the family of the victim is allowed to compromise with the killer (who is usually a relative).

[Issues of concern]

Para 1132 Honour Crimes are serious problem in Pakistan. According to the non-governmental Human Rights Commission of Pakistan (HRCP), honour killings and other forms of violence against women are increasing. Methods of carrying out honour killings vary across the country. In the southern province of Sindh, where it is often referred to as "karo kari", the victim is hacked to death, often with the complicity of the community. Among the tribal Pashtun communities in North West Frontier Province (NWFP) and Balochistan in the southwest, where the practice is known as "tur", the victim can be hacked, stabbed, burned or shot. In both cases, the practice's name means "black" in the local languages, in reference to the perceived culturally unacceptable behaviour of the victims. In the populous Punjab, the killings - usually by shooting - are more often based on individual decisions and carried out in private. In most cases, husbands, fathers or brothers of the women concerned perpetrate the murders. In some cases, jirgas, or tribal councils, decide that the woman should be killed and send men to execute her. The victims range from pre-pubescent girls to grandmothers. They are usually killed on the mere allegation of having engaged in 'illicit' sexual relationships. They are never given an opportunity to give their version of events: most significantly of all, often the making of the allegation alone suffices to defile a man's honour and, concomitantly, to justify killing the woman. Most often the perpetrators are not brought to justice. It is reported that only a handful of the perpetrators are arrested, and most of them receive only token punishment; the law also allows the heirs of the victims to forgive the accused or accept compensation (*diyat*) in place of imprisonment.

Para 1133 HRCP statistics for the first 10 months of 2001 reveal at least 379 cases in the southeastern province of Sindh, the victims of 151 of which were men. This compares to a total of 196 cases reported in 1998. Sindh is the only place in the country where the lives of men are also taken in honour killings. In the Punjab, there were 227 reported honour killings in 2001. However, there were also some 722 murder cases involving women, and the likelihood of a proportion of them being honour killings was high. One disturbing case in the Punjab was that of Samia Sarwar, who was murdered for trying to escape an abusive marriage. At the instigation of her own parents, the 36-year-old woman was shot dead in her lawyer's office in Lahore on 6 April 1999. Although the circumstances of her death are well known, the case was reportedly never brought to court.

Para 1134 Other related atrocities include women and girls who are burned or maimed by husbands or brothers who believe or suspect them of what is considered

“immoral behaviour”. Information has been received of cases of blinding and facial disfigurement due to acid burning or razor attacks to parts of the face.

Brazil

[Issues of concern]

Para 1319 Although the so-called "honour defence" is not supported by legislation and has been ruled unlawful by the judiciary, the Special Rapporteur noted that jury trials still result in the acquittal of perpetrators based on the "honour defence". Where feasible, it may be necessary to initiate a legislative process which would lead to more narrowly defined judicial standards with regard to instructions to the jury so that aggressors who commit violence against women are sentenced as criminals.

The Netherlands

[Legislation]

Para 1737 ...Crimes against women committed in the name of honor had been committed in that country, with one case in 1999 having attracted extensive media coverage. A Dutch research study had also revealed that there had been at least 30 honour crimes committed. Under Dutch criminal law, vengeance, when exacted to uphold family honour, do not mitigate the offence, whether serious or minor, and appropriate steps under the criminal law are always taken in response to such acts.

Sweden

[Landmark cases]

Para 1797 There have been three publicly identified cases of "honour killings" in Sweden in recent years. The third case, Fadime Sahindal, took place in January 2002. She was murdered by her father after having a relationship with a Swedish man. Her male relatives threatened her, which forced her into hiding and the police started proceedings against them. The case received publicity as Fadime Sahindal spoke on TV about her situation and participated in numerous debates around the country on honour killings. However, when she visited her mother and sister her father killed her-sparking national outrage that this type of incident could happen in Sweden. As a reaction, in February 2002, the Minister for Integration adopted a strategy on how to protect girls living in vulnerable situations.

[Policies and programmes]

Para 1798 In 2000, the Government established a National Council on Violence against Women, which is to have an advisory role concerning matters on violence against women. The council pays particular attention to, inter alia, violence against immigrant women. Since 2000, the Council has arranged six seminars on the subject of violence against women, one of them on “Violence against women with immigrant backgrounds: culture, religion, patriarchy” including specifically the concept of honour murders.

Para 1802 In its dealings with the police, prosecution and social service authorities, the Swedish Ministry of Foreign Affairs, on humanitarian grounds, has taken the position that girls and young women abducted abroad for forced marriages or into other vulnerable situations should be able to return and be given protection in Sweden. As a result, the public and prosecution authorities had been better able to take legal measures with respect to, inter alia, crimes motivated by honour.

[Issues of concern]

Para 1806 The Special Rapporteur recommends that the Government continue its efforts to implement and strengthen current policies aimed at combating violence, with special attention given to women with disabilities and migrant women. When presenting its report to the Human Rights Committee (spring 2002), the delegation of Sweden conceded that the country was facing problems relating the crimes committed in the name of honour. The Committee made specific recommendations on that very issue in its concluding observations (CCPR/CO/74/SWE): The Human Rights Committee notes with concern cases of female genital mutilation and "honour crimes" involving girls and women of foreign extraction (arts. 3, 6 and 7 of the Covenant). The State party should continue its efforts to prevent and eradicate such practices. In particular, it should ensure that offenders are prosecuted, while promoting a human rights culture in the society at large, especially among the most vulnerable sectors of immigrant communities.

Turkey

[Issues of concern]

Para 1826 The draft Turkish Criminal Code reportedly does not include a number of necessary reforms, including the definition of rape, the recognition of sexual abuse and marital rape as crimes and it does not provide for increased penalties for perpetrators of "honour" crimes.

Para 1828 Honour killings remain a serious problem, especially in the Kurdish community. According to media reports, there are dozens of such killings every year. Because of sentence reductions for juvenile offenders, young male relatives often are designated to perform the killing. The high rate of suicide among young girls forced into marriage is a dramatic phenomenon linked to honour killings. The Special Rapporteur recommends that the Government review legislation with a view to addressing these crimes in an effective way and eliminating any provisions allowing reductions of sentence if the crime is committed in the name of honour. Training and resources should be provided to the criminal justice system with a view to effectively protecting women who are in danger of honour killings and in effectively prosecuting these cases.

The United Kingdom of Great Britain and Northern Ireland

[Issues of concern]

Para 1845 ... the United Kingdom reported of a number of initiatives funded by its Department of International Development in connection with crimes committed against women in the name of honour, which included the provision of assistance to

the Government of Pakistan in the design of a comprehensive national strategy to address violence against women.

[III. BEST PRACTICES IN FIGHTING VIOLENCE AGAINST WOMEN]

Africa

Para 2152 In Sudan, the Badya Centre for Integrated Development Services puts on community plays on women's rights, performed by school children for communities in the Nuba Mountains region, with special attention to "honour killings." Additionally, workshops are held for local administrative religious and women leaders and teachers from which a network will be formed to facilitate sharing of experiences on combating violence against women.

Arab region

Para 2155 In the Arab region, advocacy campaigns have been successfully organized to address gender-based violence, including its more sensitive forms of female genital mutilation, sexual harassment (propositions for integrating this issue in legislation and in progress amendments have been made in Morocco); and honour killings. In the case of Jordan, advocacy efforts and campaigns contributed to the amendment of the Penal Code - the infamous article 340 [Footnote reads: Extenuating circumstances" legally justified the killing of women to protect the "honor" of men, family or community, in the majority of cases without any evidence on their guilt] in December 2001. The new version stipulates that "honour killings" are no longer considered as anymore as justified/excused "crimes" with extenuating circumstances with the penalty of prison sentence between three and 12 months, as previously exercised. It is considered now as a crime that could be condemned with death penalty as specified by penal law for homicides. The amendment also established "Gender Equality" in case of adultery; specifically the right to, and empowerment of the wife, to bring her husband to justice in cases of violation of the marital bond.

2002 Report of the Special Rapporteur on violence against women, its causes and consequences: 'Cultural practices in the family that are violent towards women'
E/CN.4/2002/83

[B. Honour killings]

Para 21 Honour killings in Pakistan (originally a Baloch and Pashtun tribal custom) have recently received international attention. Honour killings are now reported not only in Balochistan, the North-West Frontier Province and Upper Sind, but in Punjab province, as well. They are also reported in Turkey (eastern and south-eastern Turkey but also in Istanbul and Izmir in western Turkey), Jordan, Syria, Egypt, Lebanon, Iran, Yemen, Morocco and other Mediterranean and Gulf countries. It also takes place in countries such as Germany, France and the United Kingdom within the migrant communities.

Para 22 Honour killings are carried out by husbands, fathers, brothers or uncles, sometimes on behalf of tribal councils. The killing is mainly carried out by under-aged males of the family to reduce the punishment. They are then treated as

heroes. The action is further endorsed by their fellow inmates in prison, if they are sent there, who wash these young boys' feet and tell them that they are now "complete" men. The act is regarded as a rite of passage into manhood. Ironically, it is not unheard of for female relatives to either carry out the murder or be accomplice to it.

Para 23 It should be stated here that it is extremely difficult to collect accurate statistical data on honour killings in any given community. As honour killings often remain a private family affair, there are no official statistics on practice or frequency and the real number of such killings is vastly greater than those reported. The Washington Post Foreign Service reports that 278 murders were reported in Punjab in 1999, (8 May 2000) The Special Task Force for Sindh of the Human Rights Commission of Pakistan received reports of 196 cases of honour killings in 1998 and more than 300 in 1999. Every year more than 1,000 women are killed in the name of honour in Pakistan alone. During the summer of 1997, Khaled Al-Qudra, then Attorney-General in the Palestinian National Authority stated that he suspected that 70 per cent of all murders in Gaza and the West Bank were honour killings. They are usually attributed to natural causes. In Lebanon, 36 honour crimes were reported between 1996 and 1998, in Jordan 20 honour killings in 1998 and in Egypt 52 similar crimes in 1997. In Iraq more than 4000 women have been killed since 1991. The same report stated that between 1996 and 1998 in Bangladesh, about 200 women were attacked with acid by husbands or close relatives, but the number of deaths is unknown. In the West there are honour killings among immigrant communities. In the United Kingdom, INTERIGHTS has a special project that documents forced marriage cases and the threat of honour killings to British women who come from immigrant communities.

Para 24 In a frequently cited case, a teenager's throat was slit in a town square in Turkey because a love ballad was dedicated to her over the radio. Other reasons include bringing food late, answering back, undertaking forbidden family visits etc. These women's lives are circumscribed by traditions which enforce extreme seclusion and submission to men. Male relatives virtually own them and punish contraventions of their proprietorship with violence.

Para 25 It is not necessarily for love, shame, jealousy or social pressure that these crimes are committed. Economic and social issues also contribute to the rise in honour killings. Amnesty International claims that factors such as the progressive brutalization of society due to conflict and war, increased access to heavy weapons, economic decline and social frustration also lead to increased resort to the honour killing system

Para 26 Cleansing one's honour of shame is typically handled by shedding the blood of a loved one; the person being murdered is typically a female, the murderer is typically a male relative, and the punishment of the male is typically minimal. Most significantly, the murderer is revered and respected as a true man.

Para 27 Honour is a magic word, which can be used to cloak the most heinous of crimes. The concept of honour is especially powerful because it exists beyond reason and beyond analysis. But what masquerades as "honour" is really men's need to control women's sexuality and their freedom. These murders are not based on

religious beliefs but, rather, deeply rooted cultural ones. Family status depends on honour. In patriarchal and patrilineal societies maintaining the honour of the family is a woman's responsibility. In these societies, the concept of women as commodities and not as human beings endowed with dignity and rights equal to those of men is deeply embedded. Women are seen as the property of men and they have to be obedient and passive, not assertive and active. Their assertion is considered as an element which would result in an imbalance of power relations within the parameters of the family unit.

Para 28 Women are seen to embody the honour of the men to whom they "belong". As such they must guard their virginity and chastity. Honour killings in West Asia have their roots in the crude Arabic expression "a man's honour lies between the legs of a woman". By controlling women's sexuality and reproduction, they become the custodians of cultural and ethnic purity. But, male control extends not just to a woman's body and her sexual behaviour, but also to all of her behaviour, including her movements and language. In any one of these areas, defiance by women translates into undermining male honour. The woman's body is considered to be the "repository of family honour". Alarming, the number of honour killings is on the rise as the perception of what constitutes honour and what damages it widens.

Para 29 The concept of honour and its translation in different societies has brought about many forms of violence against women. It could be direct violence or indirect violence. In Sindh, Pakistan it takes the form of Karo-Kari killings. Karo literally means a "black man" and a Kari means a "black woman". They are people who have brought "dishonour" to their families through various forms of behaviour. There is no other punishment for a Kari but death. They are more often ritualistically killed and hacked to pieces, usually with the explicit or implicit sanction of the community. In cities and towns, Karo-Kari killings usually take place by shooting, mostly in private, based more on individual decisions. A man's honour is only partly restored by killing the Kari. He must also kill the man allegedly involved. But, in reality, as it is the Kari who is first killed, the Karo hears of the killing and flees. In order to settle the issue, an agreement can be made if both the Karo and the man whose honour is defiled agree. But, justice is not sought by finding out the truth and punishing the culprit. It is done by restoring the balance through compensating for damage. The Karo has to pay compensation to the family of the Kari in order for his life to be spared. Not surprisingly, the compensation can be in the form of money or the transfer of a woman or both.

Para 30 Fake honour killings are often committed in order to get compensation or conceal other crimes. Men murder other men for reasons which are not connected with honour issues and then kill a woman of their own family as alleged Kari to camouflage the initial murder as an honour killing. This leads to further perversion of the honour system. If a woman refuses to marry a man, he may declare a man of her family as Karo and demand her in compensation for not killing him. He may even go as far as killing a woman in his family to lend weight to his allegation. Not surprisingly, Karis remain dishonoured even after death. Their dead bodies are thrown in rivers or buried in special hidden Kari graves, whereas Karos are reportedly buried in the communal graveyards.

Para 31 Another form of violence that is inflicted on women because of honour comes as a result of satta-watta or addo baddo marriage as they are known in Pakistan or Berdel as they are referred to in Turkey. This is a tradition in which siblings in one family are married to siblings in another. As it involves the exchange of unmarried girls between families for a smaller dowry, it puts an additional burden on women to abide by their father's marriage arrangements. If one of the couples married in this way decides to divorce, the other couple has to separate as well.

Para 32 Women who escape honour killings are often in a terrible situation, living in constant fear of their lives. Their right to liberty and movement is also restricted if they are endangered women. The predicament of women in the "golden cage" is another form of violence towards women. These are women who are being kept in jail in protective custody because their families have either vowed to kill them or have tried and failed to kill them. According to Jordanian law, a woman cannot be released from prison unless a male relative comes to sign for her. Since these women's male relatives rejected them in the first place, they are left to languish for years in jail. Some women even believe that they deserve such punishment. Some families sign a pledge not to harm the woman, but they kill her nevertheless.

Para 33 Many women resort to suicide for reasons of honour. This could be voluntary or involuntary suicide. They may commit suicide because of the social implications of dishonour to oneself or to one's family. They may also be invited to commit suicide by the family and, in most cases, they do commit suicide. Violence is not only directed at women who have dishonoured the family or community. Many human rights activists are also threatened as a result of their efforts to help victimized women.

Para 34 Honour crimes are not confined to Muslim communities only. They occur in various parts of the world. In Brazil, men who kill their spouse after the wife's alleged adultery are able to obtain an acquittal based on the theory that the killing was justified to defend the man's "honour". Enormous pressure by women's groups resulted in the honour defence being removed from the books or judges' instructions to juries. However, juries continue to acquit men whom they feel have killed their wives for reasons of honour.

Para 35 In many societies, wife murder cases (but not husband murder cases) soon came to be defended as crimes of passion. The emphasis in such cases was placed not on the nature of the crime itself, but on the degree to which the husband intended to commit it. The present Penal Code in Brazil explicitly states that, emotion or passion does not exclude criminal responsibility. In the past, defence lawyers devised the defence of honour as a new exculpatory strategy. This introduces the idea that the wife is the property of the husband and that honour is an aspect of self-defence. In Brazil, there have been contradictory decisions with regard to the honour defence. One of the best-known cases dealing with the concept of the honour defence is the case of João Lopes. Lopes stabbed his wife and her lover to death after catching them together in a hotel room. The highest court of appeal in Brazil overturned the lower and appellate court decisions acquitting Lopes of the double homicide, stating that homicide on the grounds of defending one's honour was legitimate. When the case was retried, the jury again acquitted Lopes. Such honour defences, partial or complete, are found in the Penal Codes of Peru, Bangladesh, Argentina, Ecuador,

Egypt, Guatemala, Iran, Israel, Jordan, Syria, Lebanon, Turkey, the West Bank and Venezuela. The attitude that a man has a right to kill when faced with adultery has not disappeared in Texas, in the United States, where, in October 1999, Jimmy Watkins was sentenced to four months in prison for murdering his wife and wounding her long-time lover in front of their 10-year-old son. Analysis by some feminist scholars of the defence of “provocation” has shown that many wife murders have come within its ambit.

Para 36 Many reasons have been put forward by the perpetrators for these honour killings. They range from supposed “illicit” relationships, to killing women for marrying men of their choice or for expressing a desire to choose a spouse. These are seen as major acts of defiance in a society where most marriages are arranged by the family. In addition, women are killed for divorcing abusive husbands or even if they are raped, as they are deemed to have brought shame on their family. Not surprisingly, men often go unpunished for such “crimes”. Mere allegation is enough. The truth of the suspicion does not matter: what impacts on the man’s honour is the public perception. Even if the perpetrator dreams up the woman’s crime, it is enough that he perceived it to have taken place.

Para 37 In a rare ruling, the Criminal Court of Amman, Jordan, sentenced two men to death for killing their 60-year-old next of kin to cleanse the family’s honour. Although the family of the convicts dropped charges against them, the defendants did not benefit from a reduction in sentence because of the heinous nature of the crime. (Jordan Times, 23 April 1996). However, such cases are rare. In Pakistan, the case of Samia Sarwar is a case in point. Samia left her abusive husband and asked for a divorce. Her family threatened her. While in hiding she began an illicit relationship with a young soldier. Her parents finally said that they would negotiate a divorce and her mother, uncle and a stranger came to the offices of her lawyers. Within minutes the stranger opened fire killing Samia instantly. Despite the number of witnesses, despite the pressure brought by women’s groups very little action has been taken against the family or the perpetrators. An attempt to outlaw honour killings was also stalled in the Pakistani Parliament. The refusal to prosecute crimes of honour remains one of the main concerns for everyone interested in issues relating to violence against women.

[F. Marriage]

Para 57 Forced marriages are a common occurrence in these societies. Relentless pressure and emotional blackmail are used by parents and relatives to force the young girl into an unwanted marriage. Their more extreme forms can involve threatening behaviour, abduction, imprisonment, physical violence, rape, and in some cases, murder. Forced marriages must be distinguished from arranged marriages, which operate successfully within many communities. According to the report of the Working Group on Forced Marriage, a forced marriage is a marriage conducted without the valid consent of both parties, where duress is a factor. It is a violation of internationally recognized human rights standards and cannot be justified on religious or cultural grounds. While both men and women experience forced marriages, it is primarily seen as an issue of violence against women. Marriages are forced upon young women for various reasons. Strengthening family links, protecting perceived cultural and religious ideals, preventing “unsuitable” relationships, protecting family

honour and controlling female behaviour and sexuality are some of the reasons given by the Working Group on Forced Marriage. In some cases, if the woman or her family refuses a marriage proposal, the man or his family kidnaps the woman and attempts to formalize the marriage forcefully or rape her. They may also resort to character assassination by spreading rumours about her conduct. Acid attacks are another common act of violence against women when they spurn the advances or marriage proposal of a man. This practice is common in India and Bangladesh. In Sindh, to keep daughters in the paternal family, they are sometimes married to paternal cousins 10 to 20 years younger than themselves. The girl sometimes has to raise her would-be husband. If there are no such cousins the woman has to undergo the ceremony of haq-baksh-wai, which is marriage with the Quran. In the same area, another custom, called swara, is practised whereby women are used as a commodity to settle disputes between tribes or clans. The receiving tribe can marry those women or keep them as sex slaves.

Para 58 The Penal Codes of Costa Rica, Ethiopia, Lebanon, Peru and Uruguay state that if a woman is raped and the perpetrator agrees to marry the victim, he will be pardoned. Forcing the victim of rape to marry the perpetrator is common in many societies. The reason often given is that it will protect the honour of the girl. Once she is raped, she becomes unmarriageable - an unthinkable condition in many societies. As a result “rape-marriages” are often entered into.

Para 60 Dowries are gifts from the bride or her family to the husband and his family. In theory these gifts are given in a spirit of generosity, but this is often undermined by economic considerations. Many so-called dowry deaths occur when dowries are considered insufficient by the groom or his family. While dowries are mainly given in the Asian region, bride wealth is characteristic of Sub-Saharan Africa and involves the groom or his family giving gifts to the bride or her family. The abuse of such wives can ensue, as they are treated as commodities.

Para 61 In many societies, women are subject to virginity tests on their marriage night. This customary practice degrades women and is a violation of their rights. Girls and women are expected to preserve both their physical virginity and their reputation for chastity. In Turkey, women are forced to undergo virginity examinations by their families and even the State for various reasons.

[III. IDEOLOGIES THAT PERPETUATE CULTURAL PRACTICES THAT ARE VIOLENT TOWARDS WOMEN]

Para 98 Violence against women in the family in the name of culture is often sanctioned by dominant ideologies and structures within societies. These ideologies and structures emerged in a different era but continue to dominate public opinion and individual lifestyles, thus preventing the eradication of practices that are harmful to women.

[A. The regulation of female sexuality]

Para 99 Many of the cultural practices discussed above are often based on a society’s belief that the freedom of a woman, especially with regard to her sexual identity should be curtailed and regulated. Many scholars have pointed out that fear

of female sexuality and its expression is responsible for many of the legal regimes that operate in the cultural sphere. Though the regulation of sexuality insofar as it affects the rights and responsibilities of others is a legitimate activity, the Cairo Programme of Action of the International Conference on Population and Development and the Beijing Declaration adopted by the Fourth World Conference on Women clearly state that individual women have the right “to a safe and satisfying sex life”. This recognition of women as sexual beings is the culmination of many years of work by women doctors and activists in the area of reproductive health. Nevertheless, many cultural practices deny women these rights and ensure that women who transgress societal norms are punished severely.

Para 100 In many cases, female sexuality is regulated by physical violence and force. Honour killings, described above, are the most obvious examples. Women who fall in love, commit adultery, request divorce, or choose their own husbands are seen as transgressors of the boundaries of appropriate sexual behaviour. As a result, they are subject to direct violence of the most horrific kind. The killing of women with impunity for these transgressions is perhaps the most overt example of the brutal control of female sexuality.

Para 101 There are other areas where female sexuality is regulated by force. Most countries do not recognize marital rape as a crime, therefore sanctioning a certain measure of violence by the husband against the wife in the home. In a recent case in Mexico, the Mexican Supreme Court held that a husband’s rape of his wife was not really rape, as marriage was legally premised on a permanent right of access to conjugal relations. The limitation of women’s sexual rights within marriage has often led to a great deal of abuse in the family. It is only recently and only in a few jurisdictions that marital rape is being recognized as a violent crime.

Para 102 Women who transgress the boundaries of appropriate sexual behaviour, even in countries where honour killings do not take place, are often subject to violence. The notion of crimes of passion or provocation has often been used to justify murder of women who engage in sexual activity outside marriage. In addition, non-heterosexual orientations are also punished severely. Recently, in Zimbabwe, a young lesbian woman was locked up by her family and forced to submit to rape by an older man to “correct” her orientation. She was raped until she became pregnant.

Para 103 Child marriage, forced marriage and incest are additional forms of direct abuse that regulate female sexuality. Ignoring women and young girls as individuals capable of making choices about their lives, these practices subject many women to unwanted sex and rape, thus destroying their lives and their life potential.

Para 104 Besides the overt use of force such as in the cases outlined above, female sexuality is regulated in more subtle ways by threats of force or the withdrawal of family benefits and protection. Women who fall in love with men of a different ethnic group, class or community are often subject to this kind of pressure to ensure that their behaviour conforms to the norms of the family. In these contexts, women’s right to control their own lives counts for little, as do girls’ and women’s claims to liberty or freedom of expression, association, movement and bodily integrity. For example, the case of a 12-year-old Roma girl who was raped by a neighbour and then forced by her family to marry him is an example of the power of families to make

girls and women conform. The remedy of marrying the rapist is a common one and found in many jurisdictions. In such cases, the family's honour is violated and the family negotiates a compromise with the offender.

[B. Masculinity and violence]

Para 105 In recent times, anthropologists and scholars have pointed out that, in certain contexts and in certain societies, being "masculine" in an ideal sense involves a tolerance of violence. In many societies, the ideal of heroic masculinity requires acceptance of the notion of honour and the violent regulation of female sexuality. In fact, notions of masculinity are integrally linked to policing the behaviour of women. Heroic men in these societies use violence as a means of furthering justice and the social good, but they also use violence to ensure that women behave and are subordinate to their will.

Para 106 These constructions of masculinity are present even within the family relationship. The deflowering of the virgin ceremony in many societies is an example of how masculinity, violence and the sexuality of women are symbolically constructed. The wedding night defloweration involves the married couple being taken to a room in the house. The relatives, both male and female, wait in anticipation. Once the sexual act is consummated, the woman must bleed and this blood must be displayed to the rest of the family to prove that the woman was a virgin and that the man was not impotent. The display of the stained sheet becomes the cause of great celebrations. This public spectacle of a private moment perhaps illustrates the underlying assumptions that animate relationships between men and women in some societies.

Para 107 The heroic male personality whose masculinity is close to violence is not only the traditional man from Mediterranean and Middle Eastern societies that believe in honour. Recent studies show that this is often the dominant paradigm in the United States, for example, as reflected in popular culture. It is often manifested in the legacy of the "cowboy" and is often reflected in the modern cinema. Outrage, anger and the use of violence as a legitimate means of resolving conflict is prevalent in many of the films that are made in most parts of the world.

Para 108 It is true that not all constructions of masculinity are violent. There is also the powerful moral ideal of the self-restrained, disciplined, superior man of the Enlightenment, whose links with violence are far more nuanced, or the alternative models of masculinity that have emerged since the growth of the recent women's movement. However, unless there is public education and campaigns to try and counter the negative images of violent men as ideals for a society, the heroic male stereotype in many societies may still be the one carrying the gun. Such an ideal has serious consequences for women.

[IV. STATE RESPONSIBILITY]

Para 109 In the past, States have been reluctant to intervene with regard to cultural practices in the family, often stating that this is a "private" matter and the State has no obligation in the domain of the "domestic". Throughout the world, domestic violence has rarely been prosecuted because of this private/public

differentiation. However, since the 1980s, international standards have emerged that are very clear on the matter of domestic violence and the duties of States to eradicate violence in the family.

Para 110 The Declaration on the Elimination of Violence against Women states clearly:

“States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women.”

The Declaration goes on to say that States should “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 actors”.

Para 111 The Declaration also specifies the type of action a State should take to eliminate violence in the home: it must develop appropriate penal legislation; it must consider developing national plans of action to eliminate violence against women; in the light of the available resources it must provide social services for women victims of violence; it must take measures to ensure that public officials entrusted with implementing the laws have adequate training to sensitize them to the needs of women, and it must ensure that adequate resources are set aside in the government budget to combat violence in the family. All these provisions are also contained in general recommendation 19 of the Committee on the Elimination of Discrimination against Women, where the legal obligation of State parties to the Convention on the Elimination of All Forms of Discrimination against Women is spelled out with regard to violence against women. Both these documents make it clear that, at the beginning of the twenty-first century, the action of State parties may be measured against international standards that clearly articulate a strategy for the elimination of violence against women in the family. By arguing that custom, tradition and religion cannot be invoked by State parties to defend violence against women in the family, international standards reject the cultural relativist argument that cultural practices that are violent towards women in the family should be shielded from international scrutiny.

Para 112 It is often argued that the human rights approach, with its emphasis on law and punishment, may not be very productive in fighting violence against women on the ground. Many activists feel that the emphasis should be placed on education and health strategies that combat attitudes over the long term. However, history does have examples of how strong and effective laws have eliminated certain practices within a matter of years. In India, the enactment of the Special Act of 1870 eradicated the practice of female infanticide in the North West provinces. The Government in power criminalized the practice, monitored pregnancies and put parents in jail who engaged in the practice. By 1906, the Government withdrew the legislation because it was so effective. In China, the post-war regimes eradicated practices such as foot binding with the same determination. The existence of a criminal sanction ensures that parents have an excuse to spare their child such a practice. The law allows parents a way to avoid giving in to social pressure and custom. Without such a law, it is difficult to eradicate a practice in a generation.

Para 113 However, there is no doubt that health and education strategies are extremely important for long-term change and the development of a community. A great deal of emphasis should be placed on such programmes in cooperation with local women's groups working for the eradication of harmful practices. The involvement of local women's groups and civil society in the movement to eradicate harmful practices is the only guarantee that the practice will not re-emerge in the future.

Para 114 Many countries have developed interesting strategies to deal with cultural practices in the family that are violent towards women. Women's groups are developing innovative ways to challenge the use of tradition as a rationale for continued violence. Various projects demonstrate how women's groups work with the legislature, religious and other leaders, families and communities to change attitudes and practices. These projects involve conventional methods, such as legal action, legal changes and awareness-raising events, as well as unconventional activities. Family by family, community by community, these projects are building respect for the lives of women and girls and an understanding that gender-based violations are not integral to any tradition or culture.

Para 115 One of the major developments in the legal field has been the reform of the Civil Code in Turkey, for which the women's movement has been lobbying for many years. The amended Civil Code abolishes the supremacy of men in marriage and allows women to have a say in all matters relating to the marriage, thus establishing the equality of men and women in the family. Information provided to the Special Rapporteur by the Government of Denmark indicates that the Danish Alien Act was amended in 2000 to prevent people from being forced into a marriage. The Government of Denmark has further taken steps to secure the immigration status of women brought to Denmark for the purpose of marriage, if these women leave their husbands because of family related violence. It is not only important to amend existing laws, it is also necessary to pass new laws, such as the law banning FGM in government hospitals in Egypt. Legal action in the courts is another area that has been developed to deal with gender-based violence. One such interesting case comes from Kenya, where two teenaged daughters obtained a court injunction restraining their father from forcing them to undergo FGM.

Para 116 Legal measures are not enough if people are not educated about the social ills of harmful traditional practices. Awareness-raising activities are important to educate the community. In Tajikistan, a local NGO, Ghamkhori, is involved in combating violence against women through education. Various social issues, such as reproductive health, human rights, gender relations and domestic violence are taught and discussed through role-playing, games, questions-and-answers, small group work, illustrated cards/posters, participative rural appraisal techniques and open-ended stories. These projects also train local religious leaders, medical personnel, police personnel and schoolteachers, as well as providing services such as women's centres and basic gynaecological services. The involvement of males in these programmes is common and necessary because they are termed the decision makers of the communities.

Para 117 The media too have an important role to play in providing information. But this information could be adverse to the women's rights agenda if it is not properly monitored. Media campaigns can backfire on occasion if they sensationalize the issues or if they only publish hostile reports and personal attacks about the concerned activists and lawyers. The Nepali organization Sancharika Samuha (Women Communicators Forum) has conducted various activities on media advocacy and gender and equality, through gender training, media monitoring, publications and talk programmes.

Annex 1 to the 2001 Report: Communications to and from Governments
E/CN.4/2001/73/Add.1

Canada

Para 11 On 9 August 2000 a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of migrants was sent in regard to **Anam Iqra**, a Pakistani citizen who had sought refugee status in Canada. According to information received, her mother was murdered by her father for not conforming to the traditional practices of her family. After her mother's murder, Ms. Iqra was allegedly confined and tortured by her brother. It is reported that her family threatened to kill her in case of any protest. Ms. Iqra ran away from home and was hiding in different places, pursued by her brother and male members of her family who threatened to kill her. She was helped to escape to the United States from where she went to Canada.

Para 12 According to information received, Ms. Iqra was at risk of being deported from Canada to Pakistan. The Special Rapporteurs expressed their concern about her fate in Pakistan should she be deported. Perpetrators of "honour killings" in Pakistan have so far not been punished for murder, giving them virtual impunity. The Special Rapporteurs appealed to the Government to refrain from deporting Anam Iqra to Pakistan.

Para 13 By letter dated 28 November 2000 the Government responded regarding the case of **Anam Iqra**. According to information received from the Department of Citizenship and Immigration, Ms. Iqra had entered Canada from the United States on 12 July and was determined eligible to be considered as a refugee on 25 July. On 7 September 2000, she obtained an employment authorization, so that she could work while the refugee determination process continued (it currently takes eight months for a refugee hearing to take place and a decision to be made). It was reported that no decision had been made to deport Ms. Iqra and that her claim to be a refugee had not yet been decided. The Government stated that it would update the Special Rapporteurs on the outcome of the case as soon as possible.

Qatar

Para 43 By letter dated 23 October 2000 the Special Rapporteur informed the Government about the case of **Nayanta Pandita** and his wife, **Saleha Pandita**. According to information received, on 17 November 1999, Mr. and Mrs. Pandita were married at the Registrar General's Department in Colombo, Sri Lanka. Dr.

Mohammed Ameerudeen, Saleha's father, objected to the marriage. It is alleged that he tried to assault the couple at the airport in Madras but the police intervened. On 28 February 2000, Nayanta Pandita was called to court in Doha, Qatar, where the couple was residing. The marriage certificate was rejected and the couple was charged under Muslim law for living together without being married. They were both remanded in custody. Mr. Pandita was reportedly told the marriage would be valid only if he converted to Islam. Under duress, he signed the declaration accepting Islam. The couple was ordered to remain incommunicado for a period of three months. Saleha was given to her father and Nayanta told to study Islam; the judge said that he would reconsider the possibility of their marriage under Islamic Law if Nayanta proved to be a devout Muslim.

Para 44 Nayanta met with officials of the Ministry of the Interior and Dr. Saleem and they agreed to a settlement. Nayanta left for Sri Lanka. While he was away, he violated the judge's injunction and called Saleha. The telephone conversations were recorded and Nayanta's father-in-law threatened to produce them in court and have Nayanta jailed if he returned to Qatar. Nayanta remains in Sri Lanka. Attempts at reconciliation through the good offices of the Sri Lankan Embassy have also failed. The Special Rapporteur expressed concern that Saleha Pandita is allegedly being held against her will and that her passport has been taken away.

Annex 1 to the 2000 Report of the Special Rapporteur on violence against women, its causes and consequences: Communications to and from Governments
E/CN.4/2000/68/Add.1, 2000

Pakistan

Para 91 By letter dated 22 April 1999, the Special Rapporteur informed the Government that she had received information on the following case.

Para 92 On 6 April 1999, Ms. Saima Sarwar (age 29) was killed by a gunman hired by her family. The incident occurred in the law offices of Asma Jahangir, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, and her sister Hina Jilani, a human rights advocate, in Lahore, Pakistan. Saima Sarwar allegedly was killed for seeking a divorce from her husband, thereby tarnishing the family's honour.

Para 93 It is reported that Saima Sarwar, who lived in Peshawar with her parents for four years after leaving her husband, fled to Lahore after her family threatened to kill her if she tried to divorce her husband. She was given shelter at Dastak, an organisation run by the legal aid team headed by Hina Jilani and Asma Jahangir.

Para 94 Saima Sarwar's family reportedly said that they were prepared to accept her divorce and she agreed to meet her mother (but no other members of the family) in Ms. Jilani's office so that they could give her the appropriate papers. Her mother did not come alone as agreed, and before the meeting began, a man with her allegedly drew a pistol and shot Saima Sarwar. She died instantly. Hina Jilani was also fired at but was not injured. The gunman was shot dead by a security guard. A

colleague, Shahtaj Qisalbash, was abducted by the perpetrators but eventually released.

Para 95 It is alleged that specific legal provisions which reduce punishment for actions supposedly caused by “grave and sudden provocation” and the Qisas and Diyat law, which allows the legal heirs of the victim to forgive the offender, have facilitated honour crimes going virtually unpunished in Pakistan.

Para 96 By the same letter, the Special Rapporteur informed the Government that she had received information that members of the Peshawar Chamber of Commerce, of which the victim’s father is chairman, and local ulema (Islamic scholars) have publicly stated that the honour killing was in accordance with religious and tribal traditions. They have accused Asma Jahangir and Hina Jilani of “misguiding women”. Declaring them kafirs (infidels), they have issued a fatwa (religious edict) calling on believers to kill the two women.

Annex 3 to the 2000 Report: Mission to Haiti
E/CN.4/2000/68/Add.3

Para 37 While rape is a crime under the Haitian Penal Code (art. 229), it is not recognised as a serious crime because no jury trial is required. Consequently, cases of rape are mostly settled financially out of court. For example, if a girl is raped by her teacher, it is generally expected that the rapist marry the victim and no criminal case is brought against the perpetrator. In addition, as one researcher points out, rape is never defined in the law but classified among crimes against morals (“atteintes aux bonnes moeurs”). Consequently, the rape of a woman who is not a virgin has been attributed less importance by courts than that of a virgin.

Annex 4 to the 2000 Report: Mission to Pakistan and Afghanistan
E/CN.4/2000/68/Add.4, 2000

Para 34 Reports have been received of the abduction of Hazara girls from villages. Following their abduction, they are said to be forced into marriages with men from Pashtun tribes. In 1998, women were reportedly abducted in Mazar-i-Sharif for forced marriages. Some believed that this practice is officially sanctioned; others were of the opinion that such violations were committed by the “Non-Afghan Talibans” and were contrary to Taliban rules

Para 46 Domestic violence, incest and honour killings are reportedly commonplace in the refugee camps. As the situation has become more tense with increased unemployment, the number of fatalities in domestic disputes has increased.

Annex 5 to the 2000 Report: "Economic and social policy and its impact on violence against women"
E/CN.4/2000/68/Add.5

[I. THE GENERAL SOCIAL AND ECONOMIC SITUATION OF WOMEN; A. Social and cultural status]

Point 1 The refusal of Governments to reform laws affecting the social and cultural status of women often results in violence against women. In many societies, women

are defined solely by their reproductive function. Women have no rights over their bodies or choice in their sexual activity. Chastity is emphasised as a virtue above all others. Virginity at the time of marriage is a must and often women have to undergo degrading tests in which their virginity is established. The obsession with a woman's virginity goes as far as constituting the basis of male honour. An Egyptian saying states that "The loss of a woman's virginity is a shame which can only be wiped out in blood". The sexual behaviour of a woman is the responsibility of her brothers and father, until they can hand over responsibility to her husband. In Lebanon, suppressive laws are in place which serve this purpose. These laws vary between tribes and therefore they can be said to ensure that women are kept for the men of their own tribe. In many countries forced marriages and child marriages are undertaken to ensure the protection of the girl's virginity. Female genital mutilation should be understood in a similar context (as the Special Rapporteur has pointed out in her report on reproductive rights).

Point 2 Women who leave the protection of male family members make themselves vulnerable to violence, such as rape. Rape is then often seen as a crime against a woman's honour and not as a crime against the person. In some countries, such as Turkey or the Dominican Republic, the perpetrator can thus be excused of his offence if he offers to marry the victim. The violation of a woman's bodily integrity and her mental and physical health are seen as being of little relevance.

1999 Report of the Special Rapporteur on violence against women, its causes and consequences: violence against women in the family
E/CN.4/1999/68

Para 7 The State, through legal and moral regulation, plays an important role in family life, as well as an important role in determining the status, rights and remedies of individual family actors. Women's traditional familial roles are enshrined in secular and religious laws on, inter alia, sexuality, violence (including marital rape or the lack thereof), privacy, divorce, adultery, property, succession, employment, and child custody. Such laws validate and entrench the dominant ideology of the traditional family and the woman's position within it. Familial ideology is often Janus faced. On the one hand, it offers private space for nurturing and intimacy. On the other hand, it is often the site of violence against women and social constructions of women's role in society that are disempowering.

Para 9 ...the culturally-specific, ideologically dominant family form in any given society shapes both the norm and that which is defined as existing outside of the norm and, hence, classified as deviant. Thus, the dominant family structure - whether it is dominant in fact or merely in theory - serves as a basis against which relationships are judged. Further, it serves as the standard against which individual women are judged and, in many cases, demonized for failing to ascribe to moral and legal dictates with respect to family and sexuality. The extent to which such concepts apply to and have an impact upon women's lives is mediated by class, caste, race, ethnicity, access to resources and other ways in which women are marginalised. The dominance of familial ideology both within and outside the walls of the family home entrenches women's roles as wives and mothers and impedes women's access to non-traditional roles. Such ideology exposes women to violence both within and outside the home by enforcing women's dependent status, particularly among poor and working class

women, and by exposing those women who do not fit within or ascribe to traditional sex roles to gender-based hate crimes [Ratna Kapur and Brenda Cossman, Subversive Sites, Feminist Engagements with Law in India (New Delhi, Sage Publications, 1996), p. 96]. Such demonization fuels and legitimates violence against women in the form of sexual harassment, rape, domestic violence, female genital mutilation, forced marriages, honour killings and other forms of femicide.

Para 11 International standards articulating norms with respect to marriage and the family have focused, until recently, on issues of marital consent, privacy and children. The Universal Declaration of Human Rights (art. 16) and the International Covenants on Civil and Political Rights (art. 23) and on Economic, Social and Cultural Rights (art. 10) all articulate the right to marry and found a family with free and full consent. The International Covenant on Civil and Political Rights also articulates the equality of rights of spouses as to marriage, during marriage and at its dissolution (art. 23.4). Such rights are set forth in more detail in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962).

Para 12 All international human rights texts underscore the notion of choice (i.e. free and full consent) as the basis for forming a family. The Convention on the Elimination of All Forms of Discrimination against Women took a significant additional step in calling for the elimination of "discrimination against women in all matters relating to marriage and family relations", not only in terms of the right to enter into marriage with free and full consent and equal rights and responsibilities during marriage and its dissolution, but also in terms of equal rights with respect to reproduction, child-rearing, custody, property and protection against child marriage (art. 16). In its General Recommendation 19 the Committee on the Elimination of Discrimination against Women (CEDAW) went one step further by recognizing violence against women, including within the family, as a form of discrimination.

Para 14 Further, while, traditionally human rights texts have given protection to families on the basis of the full and free consent of partners, international norms have now also begun to address the question of sexual autonomy and the right to privacy of individual human beings. Paragraph 96 of the Beijing Platform for Action states, for example, that "the human rights of women include their right to have control over and decide freely and responsibly on matters relating to their sexuality, including their sexual and reproductive health, free of discrimination, coercion and violence".

Para 17 Violence within the family comprises, inter alia, woman-battering, marital rape, incest, forced prostitution, violence against domestic workers, violence against girls, sex-selective abortions and female infanticide, traditional violent practices against women including forced marriage, son preference, female genital mutilation and honour crimes.

Para 18 Honour crimes were not addressed in the Special Rapporteur's earlier report. Since then numerous communications have been sent to her concerning such crimes against women, whereby the family kills a female relative deemed to have defiled the honour of the family. Reportedly, honour crimes are legal in Lebanon. Honour is defined in terms of women's assigned sexual and familial roles as dictated by traditional family ideology. Thus, adultery, premarital relationships (which may or

may not include sexual relations), rape and falling in love with an "inappropriate" person may constitute violations of family honour. In many cases, as in cases reported to the Special Rapporteur from Turkey, the male members of the family meet to decide on the execution of the woman. Once this has been decided, the family will often give the woman the opportunity to commit suicide. If she refuses to kill herself, one of the male family members will be forced to kill her. Adolescent boys are often compelled to commit the murder because they will receive a light sentence. The Special Rapporteur is gravely concerned about the practice of honour killing and is seeking additional information about such violence and measures that are being undertaken to combat it.

[...Section IV FINDINGS...]

Israel

Para 120 The Special Rapporteur shares the Government's concern about honour crimes against Arab women and the particular difficulties faced by battered Arab women in seeking assistance.

Para 121 Statistics: Approximately 20,000 police files per year are opened in the area of violence in the family, of which, 75 per cent are complaints by wives against their husbands. Twenty-six women were murdered by their husbands in 1997 and 13 between January and July 1998. In 1997, 15,444 files were opened in response to women's complaints of violence by their husbands.

Jordan

Para 126 National plan of action: The Special Rapporteur is encouraged to note that domestic violence is one of the priorities set forth in the Plan of Action for the Social Sector devised by the Jordanian National Committee on Women's Affairs in 1994. The Special Rapporteur welcomes the campaign "democracy without women's rights is not democracy" carried out by the Government in 1994-1995, which focused on violence and discrimination against women by individuals, the family and society, particularly in the form of beatings, conjugal rape, marriage without consent, forced labour, lack of adequate care, exploitation of traditional beliefs in order to repress women, social discrimination against divorced women and widows and the lack of esteem that is generally shown towards women who fail to respect the code of honour.

Kuwait

Para 131 ...The Special Rapporteur notes with concern the continuing classification of crimes of indecent assault and rape in terms of crimes against honour and reputation, rather than as violent crimes against the person.

1997 Report of the Special Rapporteur on violence against women, its causes and consequences

E/CN.4/1997/47

Para 8 The community may also be the site of restrictions on and regulations of female sexuality. In many instances, women and girl children are subjected to violence by their communities because of their sexuality and sexual behaviour. A key component of community identity, and therefore the demarcation of community boundaries, is the preservation of communal honour. Such honour is frequently

perceived, by both community and non-community members, as residing in the sexual behaviour of the women of the community. Communities, therefore, "police" the behaviour of their female members. A woman who is perceived to be acting in a manner deemed to be sexually inappropriate by communal standards is liable to be punished. Such punishments range from eviction from the community to corporal punishment, such as flogging and stoning, and death. In many cases, the restrictions on women's sexuality, as defined by the community, are sanctioned by the State through the promulgation of laws and policies reflecting the communal values. In most communities, the option available to women for sexual activity is confined to marriage with a man from the same community. Women who choose options which are disapproved of by the community, whether to have a sexual relationship with a man in a non-marital relationship, to have such a relationship outside of ethnic, religious or class communities, or to live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment. Single, widowed or divorced women living alone are often targeted by violence and rape in the community. Women, "unprotected" by a marriage union with a man, are vulnerable members of the community, often marginalized in community social practices and the victims of social ostracism and abuse.

Addendum 2 to the 1997 Report of the Special Rapporteur on violence against women, its causes and consequences: Mission to Brazil
E/CN.4/1997/47/Add.2

Para 18 In 1993, the House of Representatives of the Brazilian Parliament established a Parliamentary Inquiry Commission to investigate violence against women in Brazil. The report of the Commission, based on 205,219 questionnaires, revealed that 26.2 per cent of the crimes against women were based on physical injury; 16.4 per cent were criminal threats against the women; 3 per cent were "crimes of honour"; 1.9 per cent were crimes of seduction; 1.8 per cent were rape and 0.5 per cent were homicides. Other crimes, such as violence and indecent assault, kidnapping, private incarceration, racial discrimination and discrimination in the workplace constituted 51 per cent of the total. The Commission further found that of the women victims of physical violence, 88.8 per cent were housewives. Data also indicate that the majority of assaults against women take place at home, especially those against married women between 18 and 29 years of age.

Para 43 Some non-governmental organisations raised the issue of the "honour defence" (*defensa de la onra*) or "crime of passion", which used to justify wife murder in Brazil. During the colonial period, a man who caught his wife in the act of adultery and killed her or her lover could use the argument of "honour defence". Although the Brazilian Penal Code had abolished such a defence in 1830, it was often used in practice to acquit husbands charged with murder. As a result of awareness-raising and agitation by women's groups, this practice has largely been discontinued.

Para 44 In 1991, the Brazilian Supreme Court overturned a decision by the lower courts, maintaining that murder is not a legitimate response to adultery and ordering a retrial. The facts of the case lent themselves to a recourse to the "honour defence". João Lopes, having spent two days searching for his wife Terezinha, found her in a hotel room with her lover José Gaspar Felix. Lopes stabbed and killed the

lover and then chased his naked wife into the street and stabbed her to death. The initial jury unanimously absolved him of the double murder. When the case was retried after the superior court verdict, the jury again acquitted Lopes despite the ruling of the Supreme Court. The verdict was seen by many as a "victory of social prejudice over the rule of law".

Para 45 Many women's groups informed the Special Rapporteur that the "honour defence" is often used, predominantly by defendants from social classes with access to good legal services, after the defence had exhausted all other legal arguments. The defence was accepted by courts in the 1970s and 1980s as a judicial construction related to the argument of self-defence, a reaction against "unjust aggression". Honour was seen as an asset of the man concerned, like his life or property, and he was given the freedom to use "necessary means" to defend his assets. In the Lopes case, however, the Supreme Court stated clearly that honour is not an asset and physical force cannot be used to defend it. Nevertheless, as all murder cases in Brazil require a jury trial, many commentators argue that even though the law and judicial authority have changed in recent times, juries often acquit men who commit murder on the grounds of the wife's adultery. It is said that especially in rural areas, in the interior of the country, the "honour defence" is more widely used in such cases.

Para 75 According to one expert, only 2 per cent of male perpetrators of violence against women are actually convicted and sentences in cases of domestic violence are often for less than one year. It is that expert's belief that the sentencing structure with regard to judicial decision-making leaves much to be desired and does not serve as an effective deterrent to perpetrators. It is believed that, in cases involving violence against women, members of the judiciary do not judge criminal behaviour but the social role of the perpetrator and the victim. The "honour defence", as discussed above, is an example of how the judiciary is influenced by social attitudes regardless of the law. Women's and human rights groups have documented many case studies in which social biases, attitudes and gender-stereotyping have affected judgements. If a woman is portrayed as a good, submissive, sexually inactive housewife, the chances for the conviction of her batterer are greater. If, on the other hand, the woman victim displays independence and there are any hints of sexual impropriety or "loose" sexual mores, it is very unlikely that her batterer will be convicted.

Para 91 CEPIA of Rio de Janeiro is one of Brazil's pioneering non-governmental organisations leading the campaign to eliminate violence against women by engaging in research, as well as in social action. CEPIA spearheaded the 1980s campaign against "honour defence" in cases of wife murder which led to a significant change in attitudes in such cases. CEPIA continues to lobby for changes in legal attitudes especially with regard to other defences used by perpetrators of violence against women such as the provocation or violent emotion defences. Research carried out by CEPIA attempts to comprehensively analyse the social context and history of violence against women in Brazil.

Para 104 Although the so-called "honour defence" is not supported by legislation and has been ruled unlawful by the judiciary, the Special Rapporteur noted that jury trials still result in the acquittal of perpetrators based on the "honour defence". Where feasible, it may be necessary to initiate a legislative process which

would lead to more narrowly defined judicial standards with regard to instructions to the jury so that aggressors who commit violence against women are sentenced as criminals.

1995 Report of the Special Rapporteur on violence against women, its causes and consequences

E/CN.4/1995/42

Para 122 The traditional legal systems sanctioned violence in the family by recognizing the husband's "right to chastisement" [W. Blackstone, Commentaries on the Laws of England, 1775]. This right was recognized by courts [Bradley v State, 2 Miss. 156 1824, p. 158] in many jurisdictions. In addition many legal systems allowed men to use force to extract "conjugal duties" and the crime of marital rape was unrecognized. The legal systems were therefore relatively unconcerned with abused women unless there was serious injury or a public nuisance. In some countries the defence of "honour" allowed for the easy acquittal of husbands who killed their wives [Cases on conjugal duty. Also see Human Rights Watch women's rights project, Criminal Injustice, Violence against Women in Brazil, Human Rights Watch, New York, 1991].

Para 160 In India, 11,259 dowry related deaths were recorded in the last three years, in Nepal, 40 per cent of girls under the age of 15 are already married [UNICEF South Asia Regional Office, Kathmandu, Working Papers presented to the Second United Nations Regional Seminar on Harmful Traditional Practices affecting the Health of Women and Children, Colombo, 1994 (E/CN.4/Sub.2/1994/10)].

Para 163 In many societies the payment of a dowry is required for the groom to marry. In addition, the expenses for the marriage are also borne by the bride's family. Failure to provide the agreed amount of dowry could mark the beginning of violence within the family for the woman. She may be verbally abused, mentally and physically tortured, starved and, in certain communities, even burnt alive by the husband and/or his family members [Ibid].

Para 164 Violence related to the institution of marriage is of grave concern to those interested in women's rights as human rights. The Governments of India and of Bangladesh have sought to criminalize violence related to the dowry. The Indian penal code contains provisions with regard to dowry deaths, which allow for such crime to be deduced from circumstantial evidence and for the strengthening of police powers. The crime also carries the maximum penalty [Criminal law (Amendment) Act 1983 - amending section 30YB Penal Code 1860]. The proper implementation of these provisions is absolutely necessary if dowry deaths are to be prevented.

Para 167 In India, the practice of widow-burning or sati, which has had a resurgence in recent years, has been outlawed both by national and State Governments. Though this is welcome, there is still concern that the practice may occur in small communities and that effective implementation of the laws is absolutely necessary [The Commission of Sati (Prevention) Act of 1987, New Delhi]

Special Rapporteur on violence against women its causes and consequences: Oral Statements

Statement by the Special Rapporteur on violence against women its causes and consequences 59th session, 09/04/03 (available at: <http://www.unhchr.ch/hurricane/hurricane.nsf/NewsRoom?OpenFramSet>)

“Mme. Chairperson, in my work as Special Rapporteur I have come to realize that one of the greatest causes of violence against women is linked to the regulation of their sexuality. This is a sensitive issue, but a very important one. Recognizing women's right to sexual autonomy, and sexual health will be a major step forward in eradicating violence against women.

Perhaps the greatest challenge for the future comes from the problem of cultural relativism. The Declaration on the Elimination of Violence Against Women is very clear. States should not use custom, tradition or religious consideration to justify violence against women. It is imperative that we also unite behind this agreed language, which is also present in many other international instruments, with regard to the protection of the human rights of women. At the same time there is concern that in fighting cultural practices that are violent against women, many governments and groups cast an "arrogant gaze" at cultural practices that they do not comprehend and at societies that they do not bother to understand. Women from these cultures also feel torn between fighting for women's rights and rejecting the sense of belonging that all cultures give to their people. Strategies must therefore be sensitive to cultural realities and, most importantly we must listen to the voices of the women from those cultures. When we fight for human rights of women, we must always do so by respecting the dignity of the very women whose rights we are defending.”

Excerpt from Commission on Human Rights 55th session, Summary Record of the 30th Meeting, held on 13 April 1999.
E/CN.4/1999/SR.33

On the question of violence against women;

[Mrs Coomaraswamy was noted at paragraph 2 as being] much concerned by the proliferation of “honour crimes” in Turkey, the Middle East and South Asia. Only the previous week, in the law offices of Mrs Jahangir, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, a client who had sought a divorce from a violent husband had been shot in the head; and the Special Rapporteur herself was in need of protection. In honour crimes, the male members of a family killed a female relative perceived by them to have defiled the family honour. The murder was often committed by an adolescent boy because he would receive a lighter sentence. In that way, however, boys were socialized into sanctioning violence against women in certain contexts. International remedial action was needed.

[It was noted at paragraph 20 that Mrs Gaer (United States of America) had stated that] the international community must shift from neglecting women’s rights to mainstreaming them. Instruments of accountability and effective domestic remedies must be established. The human rights of women were beginning to pervade the Commission’s agenda. The “honour killings”, for example, mentioned by previous speakers, were criminal acts, not to be sanctified by culture or religion, and as such were the legitimate concern of the human rights community. Her delegation deplored

the reports of the recent death threat against the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and urged all Governments to condemn such threats and ensure her safety.

Oral statement by the Special Rapporteur on Violence Against Women (Radhika Coomaraswamy, given at the 54th Session of the United Nations Commission on Human Rights, 16 March - 24 April 1998, para 4: (www.unhchr.ch/html/menu2/2/54/chr/54srwom.htm)

“Women are also subject to violence from the men of their own community who attempt to save their honour. The India-Pakistan study [recent book by Kamla Bhasin and Ritu Menon chronicling the violence that took place against women at the time that India and Pakistan were partitioned - see para 3] shows how women were often poisoned by their own men, pushed into wells, strangled or burnt alive so as to avoid "dishonour" at the hands of men of the "other" community.”

Special Rapporteur on the independence of judges and lawyers

2001 Report of the Special Rapporteur on the independence of judges and lawyers
E/CN.4/2000/61

[A. Honour killings]

Para 27 In the report submitted to the fifty-fifth session of the Commission on Human Rights, the Special Rapporteur stated that the Special Rapporteur on extrajudicial, summary or arbitrary executions had drawn his attention to the problem of so-called “honour killings” where husbands, fathers or brothers had gone unpunished after having murdered their wives, daughters or sisters in order to defend the honour of the family. It was also reported that those who commit “honour killings” normally receive considerably shorter sentences, as the court view defence of the honour of the family as a mitigating circumstance. The Special Rapporteur expressed his concern and informed the Commission that he would continue to work with the Special Rapporteur on extrajudicial, summary or arbitrary executions to study this phenomenon (see E/CN.4/1999/60, paras. 41 and 42).

1999 Report of the Special Rapporteur on the independence of judges and lawyers
E/CN.4/1999/60, 1999.

[IV Theoretical Issues, Part B, Paras 41 -42 Honour Killings]

Para 41 The Special Rapporteur on Extrajudicial, Summary or Arbitrary executions has drawn the Special Rapporteur’s attention to the problem of so-called “honour killings”, which are reported to take place in some countries of the Middle East, Latin America and South Asia, where husbands, fathers or brothers, have gone unpunished after having murdered their wives, daughters or sisters in order to defend the honour of the family. She has also received reports of such cases in Turkey. The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has been informed that men who commit “honour killings” normally receive considerably shorter sentences, as the courts view defence of the honour of the family as a mitigating circumstance (see E/CN.4/1999/39, paras. 74-75).

Para 42 This information is of grave concern to the Special Rapporteur. He will continue to work with the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to study this phenomenon. They will report their findings to the Commission on Human Rights at its fifty-sixth session.

Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief

Addendum 2 to the 2003 Report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief: Mission to Bangladesh
A/55/280/Add.2

Para 76 Special mention was made of the difficulties involved in implementing legislation protecting women's rights, particularly in rural areas, largely because of traditions — notably religious traditions or those attributed to religion. For example, it was explained that legislation on the registration of marriages and the minimum age for marriage conflicted with the widespread practice of forcing minors to marry (aimed mainly at preventing all extramarital sexual relations, which are subject to cultural and religious prohibitions). According to some non-governmental estimates, around 800,000 minors were married without their consent every year. These marriages involving minors (which are illegal under positive law) are not, of course, registered by the authorities, as required under the law on the registration of marriages... This apparently widespread situation of non-registration of marriages is especially harmful because it encourages the practice of repudiation, and thus reveals the limited implementation of divorce laws. Despite the existence of the Anti-Dowry Prohibition Act, this situation also helps to maintain the tradition of the dowry, thereby placing women in the humiliating position of being objects of bargaining. This practice also contributes to the vulnerability of wives, who are sometimes victims of violence on the part of their husbands concerning goods inherited or due to be handed down by the parents to the married women. According to non-governmental sources, 239 women were subject to dowry-related violence in 1998. Of those victims, 60 per cent were murdered, and three per cent committed suicide. Many wives apparently suffered acid attacks — a practice that appears to be widespread within the context of dowry-related conflicts.

Para 83 ...[experts] denounced not only violence associated with the practice of the dowry, but also violence related to fatwas. These fatwas, declared in the name of the Muslim religion, are especially common in rural areas. They are declared against women who are accused — almost always wrongly — of having sexual relations outside marriage, and other behaviour subject to social and religious prohibition. In fact, however, these fatwas are declared by people who are not qualified to do so — namely, by Shalish Councils, members of the local clergy having a superficial or flawed religious education, local officials, extremists, or individuals enjoying the tacit support of extremist parties. Experts said that the fatwas declared by these officials were in fact designed to stifle any efforts to emancipate women. For example, women's access to work was thought to undermine roles regarded as the exclusive preserve of women and restricted to the private sphere of the family, enabling women to participate actively in public life. Such developments were regarded — especially in rural areas — as a threat to the patriarchal structure of

society, and therefore to men's monopolization of power. This was the reason why the fatwas were accompanied by attacks carried out by extremists against certain Bangladeshi non-governmental organizations, which were very active in promoting women's rights. According to information provided by non-governmental sources, 43 fatwas were declared against women in 1993, and 26 in 1999. The most famous case was, of course, that of Taslima Nasreen, who was forced to flee Bangladesh after receiving death threats from extremists... These fatwas, which are entirely illegal, are especially serious because as punishment the accused are often flogged, stoned, or shunned by society. The fatwas thus constitute attacks on the physical and moral integrity of women. According to non-governmental sources, those responsible for these fatwas are usually not pursued by local officials responsible for enforcing the law. Fatwas issued by non-State actors also represent a threat to the Government's efforts on behalf of women and to women's empowerment — notably in the area of education.

[Conclusions and Recommendations]

Para 90 ...The Special Rapporteur noted with pleasure the initiatives undertaken in the realm of positive law, with a view to improving the protection of women, such as the adoption of laws on the registration of marriage and divorce, the minimum age for marriage, and the banning of the dowry system. These initiatives must be pursued, and efforts must be made to ensure their concrete implementation, especially in rural areas, in order to combat religious traditions or traditions attributed to religion, which perpetuate, among other practices, the illegal practice of forcing minors into marriage...

1999 Report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief:

A/54/386

Para 129 As in his previous reports, the Special Rapporteur notes the persistence of various types and degrees of Islamic extremism (particularly in Afghanistan, Bangladesh, Indonesia, Niger and Pakistan)... The most common victims of the various types of extremism are:

...

(b) Women are also a prime target of extremists, whether through discriminatory measures that place them in an inferior position and even (in the case of Afghanistan) deprive them of all rights; or, with increasing frequency, through violence in the form of assault, attempted murder, murder, abduction and, in many cases, rape. Violence against women appears to be extremists' instrument of choice as a means of terrorizing whole communities through, inter alia, attacks on women's dignity and on the "honour" of the entire community.

iii Sub-Commission on Human Rights

Resolutions

The Duty to Modify Customs that Discriminate against Women

Traditional practices affecting the health of women and the girl child, 2002
E/CN.4/Sub.2/2002/26

Para 1 Takes note with satisfaction of the sixth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2002/32) submitted by the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern about the perpetuation of certain harmful traditional practices, in particular dowry-related violence and crimes of honour;

Para 2 Appeals to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning, the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of these practices;

Traditional practices affecting the health of women and the girl child, 2002
E/CN.4/Sub.2/2000/10

Para 1 ...shares [the Special Rapporteur's] concern about the perpetuation of certain harmful traditional practices, in particular dowry-related violence, domestic violence and crimes of honour;

Para 2 Appeals to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of these practices;

Para 3 Appeals to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of these cultural practices which are harmful to girl children and women;

Special Rapporteurs

Special Rapporteur on traditional practices affecting the health of women and the girl child

2000 Report of the Special Rapporteur on traditional practices affecting the health of women and the girl child
E/CN.4/Sub.2/2001/27

Para 84 The Special Rapporteur was particularly shocked by reports in the media concerning crimes of honour. Moreover, while the practice of female genital mutilation is arousing opposition in the public awareness, and in particular among the communities concerned, other practices, which are just as harmful and widespread, are still maintained and sometimes even reappear in different guises, becoming more insidious. Examples are early marriage, forced marriage, early pregnancy, son preference, dowries and violence in the family, including incest.

[A. Information supplied by Governments]

Para 86 In its submission, the Government of Azerbaijan...acknowledges that practices affecting the health of women and girls, such as domestic violence and acts committed in the name of honour, continue to exist.

[B. Measures taken within the United Nations system]

Para 88 The Special Rapporteur would like to draw particular attention to the campaign launched by UNICEF on 7 March 2001 against early marriage, or child marriage. Based on statistics showing that it is common to find countries where more than 50 per cent of girls are married by their eighteenth birthday, UNICEF launched a world campaign to prevent early marriage. The campaign was accompanied by the publication of a report addressing the numerous negative consequences and the implications of early marriage, ranging from limitations on girls' freedom to consequences for their health and education... Preventive measures require mobilizing organizations and individuals in the field and providing parents and girls with clear information. Education for parents, to convince them of the need to send their girls to school and keep them there as long as possible, is the key element of any preventive policy. In addition, information services explaining the risks to which they are exposed should be made available to girls who are already married.

Para 89 In that connection, it should be noted that the Working Group on Contemporary Forms of Slavery decided, at its twenty-sixth session, to examine as a matter of priority at its twenty-eighth session (2003) the question of contemporary forms of slavery related to discrimination, in particular discrimination based on sex. Early marriage, forced marriage and bride selling will be among the topics discussed.

[Conclusions]

Para 94 ...[the Special Rapporteur] would like, however, to make a few comments on the treatment given to crimes of honour at the fifty-fifth session of the General Assembly. In her fourth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, the Special Rapporteur explained that the crime of honour is an ancient practice that prevails in some parts of the Middle East and in Pakistan, and was also common in the past in countries of the Mediterranean Basin, particularly in very traditional, remote areas of Greece and Italy, where it was principally aimed at birth control.

2000 Report of the Special Rapporteur on traditional practices affecting the health of women and the girl child
E/CN.4/Sub.2/2000/17

Para 56 As mentioned earlier in this report, the Special Rapporteur originally intended to devote a large part of the report to traditional practices other than female genital mutilation. For instance, she was particularly horrified by reports in the media concerning crimes of honour. Moreover, while the practice of female genital mutilation is arousing opposition in the public awareness, and in particular among the communities concerned, other practices, which are just as harmful and widespread, are still maintained and sometimes even reappear in different guises, becoming more insidious.

Para 69 According to an article published in the daily Chark el Aoussat on 21 February 2000, the crime of honour, which is an ancient practice that prevails in some parts of the Middle East, gives a man the right to kill any woman in his family suspected of behaviour prejudicial to the family's honour. This practice was also common in the past in countries of the Mediterranean Basin, particularly in very traditional, remote areas of Greece and Italy. In those very poor areas, the practice was based chiefly on one criterion: birth control.

Para 70 In the Middle East and in Egypt, crimes of honour go against the principles of Islam, since the normal penalty for dishonour affecting a woman is marriage. Moreover, drastic conditions are required to determine a guilty relationship between a man and a woman. This must be proved by evidence given by four persons who witnessed the sexual act. Yet according to the practice as understood in the above-mentioned countries, the crime of honour is decided on the basis of mere suspicion and rumour.

Para 71 The history of the last century appears to indicate that when the British occupied certain Arab countries, they came up against this popular practice. Instead of combating it, however, they preferred to add it to the Penal Code they were introducing, thus confirming the legality of discriminatory behaviour directed against women only, whereas the men responsible for such acts are invariably let off the punishment they deserve.

Para 72 It is worth pointing out that crimes of honour may well hide motivations which have nothing to do with the dishonour inflicted on the family of the woman who has been killed: the cause of the crime may lie simply in jealousy or a question of inheritance.

Para 73 In Jordan, where crimes of honour lead to over 20 deaths a year, a campaign against the practice, followed up in February 2000 by a major demonstration led by the Jordanian princes, has urged Parliament to abolish article 340 of the Penal Code, which by its lenient attitude encourages crimes of honour. The abolition proposal put forward by the Jordanian Government was unfortunately rejected by the Parliament, whose retrograde members justify their opposition by arguing that abolishing the practice would lead to debauchery and loose morals.

Para 74 Crimes of honour are also commonplace in Pakistan, where human rights groups have condemned such practices. A demonstration was held in August 1999 after the murder of a young woman, Samia Imran, who was killed in the office of the lawyer to whom she had turned for help. She was murdered because she had refused a marriage arranged by her family. Although the Senate was to have adopted a resolution condemning such acts, some Senators withdrew their support and refused to consider the resolution (source: Financial Times, 5 August 1999).

Para 75 Although it is extremely difficult to obtain statistics concerning the prevalence of "crimes of honour", since they are only rarely prosecuted, the Pakistani Human Rights Commission estimates that in Punjab, in 1998 and 1999, more than 850 women were murdered by their husband, brother, father or other relative. These

women were all suspected of immoral behaviour (sources: The Guardian Weekly, 25 May 2000; Chark el Aoussat, June 2000).

Para 77 The Special Rapporteur would like to refer in this respect to the report submitted by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3), which contains a section on the problem (chapter V, section C). According to information she had received, the Special Rapporteur noted that "honour killings take many forms. In some cases, young girls and women have been forced to commit suicide after public denunciation of their behaviour and open threats to their lives. Others are disfigured by acid burns; many of these women die as a result of their injuries [...] Only a handful of the perpetrators are arrested, and most of these criminals receive only token punishment [...] In almost 90 per cent of such cases, the victims are killed by their own family or at their behest" (para. 79).

1999 Report of the Special Rapporteur on traditional practices affecting the health of women and the girl child
E/CN.4/Sub.2/1999/14

[III General Information Communicated to the Special Rapporteur]

Para 69 ...many governments have told her of moves to abolish discrimination against women and violence, including domestic violence, and action to implement the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child. The Rapporteur cannot but remark on the meagreness, not to say absence, of information on other harmful practices such as crimes of honour, the problem of dowries and female infanticide, particularly from the Asian countries which are conspicuous by their lack of replies. Some non-governmental organizations and press reports, nevertheless, have made her aware of certain facts.

Para 70 Thus the Special Rapporteur has learnt of the practice which still seems to be current in Iraqi Kurdistan: followed by certain noble tribes, it is said to consist in burning women or forcing them to commit suicide by setting fire to themselves. The authorities must confirm or deny this report.

Para 71 According to the 25 May 1999 issue of the daily Chark El Awsat, 500 women were killed in Pakistan in 1998, supposedly to uphold their families' honour. "Crimes of honour" are commonplace in the Pakistani countryside where daily life is influenced by tribal and feudal mores. The cause may be a snub to the family resulting from a refusal of marriage by the intended's parents, a decision to divorce, or an amorous escapade. In most instances the case is not brought to court; even when a prosecution is brought, it is unusual for a long prison term to be handed down. Recently, after a crime of honour, the Government published a communiqué condemning it in these terms: "We think there is nothing noble about such behaviour, which represents extremist violence against women and is against the principles of the Islamic Shariah, which inclines to tolerance." Many human rights champions believed, nevertheless, that the communiqué was not forceful enough.

iv Reports of the Secretary-General

2002 Report of the Secretary-General: working towards the elimination of crimes against women committed in the name of honour
A/57/169

[IV. Conclusion]

Para 31 Attention has been drawn, particularly in recent years, to the issue of crimes against women committed in the name of honour at the international and national levels, and the issue has been addressed by intergovernmental and expert bodies within the United Nations system, and some measures have been taken by Member States to eliminate such acts.

Para 32 However, the elimination of those acts requires greater and concerted efforts. All forms of violence against women and girls committed in the name of honour should be criminalized, and those deliberately participating in, facilitating, encouraging or threatening violence against women and girls in the name of honour should be penalized. All reports of violence against women committed in the name of honour should be promptly, impartially and thoroughly investigated; documented; and effectively prosecuted. All necessary measures should be taken to prevent violence against women committed on that basis. In countries with immigrant communities, protection should be given to victims and potential victims in connection with asylum and immigration procedures.

Para 33 Special training and resources should be provided to law enforcement and other relevant personnel, including judges and legal personnel, in order to impartially and effectively address complaints of violence against women generally and those committed in the name of honour in particular, and to protect women and girls in danger of such violence, while respecting their human rights. Support to victims and potential victims should be increased.

Para 34 Awareness-raising, information and education campaigns, involving, inter alia, religious and community leaders, directed at changing stereotypical societal attitudes towards the behaviour of women and men, are crucial to prevent and eliminate violence against women and girls committed in the name of honour. The media should be encouraged to participate actively in public education campaigns. Support to non-governmental organizations and other groups working to eliminate violence against women and girls committed in the name of honour should be intensified. The United Nations and other intergovernmental organizations, including at the regional level, should continue to support initiatives to eliminate violence against women and girls committed in the name of honour, including through collaboration with both Governments and non-governmental organizations.

I. INTERNATIONAL MATERIALS

C. UN Conferences

The Right to Life, Liberty and Security of the Person

The United Nations Fourth World Conference on Women, Platform for Action 1995

Para 96 The human rights of women include their right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence...

The International Conference on Population and Development Programme of Action (The ICPD Programme of Action) 1994

Principle 1 Everyone has the right to life, liberty and security of person.

The Prohibition on Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment

The World Conference on Human Rights, the Vienna Declaration and Programme of Action 1993

Para 56 The World Conference on Human Rights reaffirms that under human rights law and international humanitarian law, freedom from torture is a right which must be protected under all circumstances, including in times of international or international disturbance or armed conflicts.

The Right to Freedom from Gender-Based Discrimination

The United Nations Fourth World Conference on Women, Platform for Action 1995

Paragraph 214 Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of the United Nations. All the major international human rights instruments include sex as one of the grounds upon which the State may not discriminate.

The ICPD Programme of Action 1994

Principle 1 All human beings are born free and equal in dignity and right. Everyone is entitled all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Principle 4 ...The human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in civil, cultural, economic, political and social life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community.

The Right to Marry and Found a Family

The ICPD Programme of Action 1994

Principle 9 The family is the basic unit of society and as such should be strengthened. Marriage must be entered into with the free consent of the intending spouses, and husband and wife should be equal partners.

The United Nations Fourth World Conference on Women Platform for Action 1995

Para. 274 Governments [should] ...(e) enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses; in addition, enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary...

The Duty to Modify Customs that Discriminate against Women

The World Conference on Human Rights, the Vienna Declaration 1993

Para 18 ...Gender based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated...

The World Conference on Human Rights, the Programme of Action 1993

Para 38 ...The World Conference on Human Rights stresses the importance of working towards the ...eradication of any conflicts which may arise between rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism...

Para 49 ...The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child.

The ICPD Programme of Action 1994

Para 5.5 ...Measures should be adopted and enforced to eliminate child marriages and female genital mutilation...

The United Nations Fourth World Conference on Women Platform for Action 1995

Para 224 ...Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated...

II. REGIONAL

A. Treaty-based materials

The Right to Life, Liberty and Security of the Person

The African Charter on Human and Peoples' Rights 1981

Article 4 Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of the person. No one may be arbitrarily deprived of this right.

The American Convention on Human Rights 1969

Article 4(1) Everyone has the right to have his life respected. This right shall be protected by law and, in general from the moment of conception. No one shall be arbitrarily deprived of his life.

Article 5(1) Every person has the right to have his physical, mental, and moral integrity respected.

The European Convention on Human Rights 1950 (as amended by Protocol No. 11)

Article 2(1) Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

The Prohibition on Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment

The African Charter on Human and Peoples' Rights 1981

Article 5 Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited

The American Convention on Human Rights 1969

Article 5(2) No one shall be subjected to torture, or to cruel, inhuman or degrading treatment.

ECHR 1950

Article 3 No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

The Right to Freedom from Gender-Based Discrimination

The African Convention on Human and Peoples' Rights 1981

Article 2 Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or to other status.

**Article 3 Every individual shall be equal before the law.
Every individual shall be entitled to equal protection of the law.**

The American Convention on Human Rights 1969

Article 1 The State Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

ECHR 1950

Article 14 The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The Right to Privacy

The American Convention on Human Rights 1969

Article 11(1) Everyone has the right to have his honour respected and his dignity recognised.

Article 11(2) No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honour or reputation.

Article 11(3) Everyone has the right to the protection of the law against such interference or attacks.

ECHR 1950

Article 8(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

The Right to Marry and Found a Family

ECHR 1950

Article 8(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

Article 12 Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Protocol No. 7 to the ECHR

Article 5 Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent States from taking measures as are necessary in the interest of the children.

The Duty to Modify Customs that Discriminate against Women

The African Charter on Human and Peoples' Rights 1981

Article 18(3) The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

Right to an Effective Remedy

ECHR 1950

Article 13 Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

II. REGIONAL MATERIALS

B. Regional Organisations

i. Council of Europe

Reports:

“So-called “honour crimes” Report Committee on Equal Opportunities for Women and Men, Rapporteuse: Mrs Cryer, United Kingdom, SOC, Doc. 9720, 7 March 2003

[Summary of Report]

The concept of so-called “honour crimes” is a complex issue but may be defined as a crime that is, or has been, justified or explained (or mitigated) by the perpetrator of that crime on the grounds that it was committed as a consequence of the need to defend or protect the honour of the family. The increase in particular of “honour killings”, committed in Europe and other countries, raises the concern of the international community.

Most of the reported cases of so-called “honour crimes” within Europe have been amongst Muslim or migrant Muslim communities. The paradox is that Islam itself

does not support the death penalty for misconduct related to honour and many Islamic leaders have condemned this practice on the grounds that it has no religious basis.

The State should not tolerate so-called “honour crimes”, which are a violation of the internationally recognised rights of women for whose respect the State bears responsibility.

Therefore, the Assembly calls on the member states of the Council of Europe to amend national asylum and immigration law in order to ensure that immigration policy acknowledges that a woman has the right to a residence permit or even to asylum in order to escape from so-called “honour crimes” and is relieved of the threat of deportation or removal if there is, or has been, any actual threat of a “crime of honour”.

It also requests member countries to provide support to the victims of failed so-called “honour crimes” and also to potential victims, including personal protection, legal aid and psychological rehabilitation.

[Draft resolution]

The Assembly is very concerned by the increase of so-called “honour crimes”, crimes against women committed in the name of honour, which constitute a flagrant violation of human rights, based on unjust cultures and traditions.

The Assembly recalls the European Convention on Human Rights, which safeguards the right to life and the right not to be subjected to torture or to inhuman or degrading treatment or punishment.

It also refers to its Recommendations 1450 (2000) and 1582 (2002) concerning violence against women in Europe which condemn all “honour crimes” and to Recommendation 1247 (2001) on, more specifically, female genital mutilation and which stresses the importance and urgency of making a distinction between the need to protect minority cultures and turning a blind eye to unacceptable customs that amount to torture and/or a breach of human right.

The Assembly notes that, whilst “crimes of honour” emanate from cultural and not religious roots and can be found worldwide (in mainly patriarchal societies or communities), the majority of reported cases within Europe have been amongst Muslim or migrant Muslim communities. (However, Islam itself does not support the death penalty for honour related misdemeanours.)

The Assembly welcomes the adoption by the United Nations General Assembly of the Resolution on Working towards the Elimination of Crimes against Women Committed in the Name of Honour, which invites the international community to support efforts of all countries, at their request, aimed at strengthening institutional capacity for preventing crimes against women committed in the name of honour and in addressing their root causes.

The Assembly also recalls the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and its Optional Protocol which make the state responsible for failures to implement the provisions of the Convention

concerning the ill-treatment of women, including crimes committed in the name of honour. It appeals to member States of the Council of Europe to ratify the Convention and especially its Optional Protocol.

The Assembly notes that some states use case-law as a tool to defend so-called “honour crimes” and deplores the inaction in the countries where they are justified by the traditions and customs of minorities.

The Assembly is concerned by the insufficiency of adequate data recording the occurrence of so-called “honour crimes” and the policies of some states which do not disclose such information. It considers that member states of the Council of Europe should make public all information relevant to these crimes in order to facilitate the efforts to combat such forms of violence and increase awareness of their occurrence.

The Assembly welcomes the measures taken by some European countries aimed at the prevention and elimination of so-called “crimes of honour”, including amendments to national legislation and granting residence permits or even asylum status to women who have been subject to so-called “crimes of honour”.

Therefore the Assembly calls on the member states of the Council of Europe to:

-A: adopt the following legal measures regarding prevention and prosecution of so-called “honour crimes”:

amend national asylum and immigration law in order to ensure that immigration policy acknowledges that a woman has the right to a residence permit or even to asylum in order to escape from “crimes of honour”, and is relieved of the threat of deportation or removal if there is, or has been, any actual threat of a “crime of honour”;

enforce the legislation more effectively to penalise all crimes committed in the name of honour and ensure that allegations of violence and abuse are treated as serious criminal complaints;

ensure that such crimes are effectively (and sensitively) investigated and prosecuted. The Judiciary should not accept honour in mitigation, or as a justifiable motive, of the crime;

take the necessary measures to implement the laws related to these crimes and to better understand the causes and consequences of such crimes among policy-makers, the police and the judiciary;

ensure a stronger female presence in the judicial bodies and the police.

-B: adopt the following preventative measures:

launch national awareness campaigns through the media, in schools, universities and religious institutions in order to discourage and prevent “crimes of honour”;

provide special educational programmes for women and men who come from communities where such crimes happen, to make them aware of the rights of women;

ensure that all children are made aware of gender equality from an early age;

encourage the collation and dissemination of statistical information on the occurrence of so-called “honour crimes”;

provide gender equality training to law enforcement and judicial staff to enable them impartially to address complaints of violence in the name of honour.

-C: adopt the following protective measures:

provide support in asylum-related issues to the victims of failed so-called “honour crimes” and potential victims;

provide support to the victims of failed so-called “honour crimes” and potential victims, including personal protection, legal aid and psychological rehabilitation; create conditions for people to report such crimes in a safe and confidential environment; support NGOs and women’s associations which combat these practices and provide a safe refuge.

So-called “honour crimes”, Opinion, Committee on Legal Affairs and Human Rights, Doc. 9770, 2 April 2003.

I. Conclusions of the Committee

The Committee on Legal Affairs and Human Rights fully supports the draft recommendation tabled by the Committee on Equal Opportunities for Women and Men, but would like to table some amendments aimed mainly at reinforcing the proposed legal measures, and at ensuring a more effective follow-up.

II. Proposed amendments to the draft resolution

Amendment A:

In paragraph 1., in fine, replace “unjust cultures and traditions” by “archaic and unjust cultures and traditions”.

Amendment B:

Replace sub-paragraphs 10.A.i.- iii. by the following text:

- i. ”take the necessary measures to systematically enforce existing criminal legislation penalising attacks on life, health or liberty committed in the name of “honour”;
- ii. review and if necessary strengthen criminal legislation with a view to ensuring that authors of crimes committed in the name of honour may not fully or partly escape the usual punishment attached to the acts committed by them by invoking “honour” as justifying or mitigating circumstances;
- iii. review national asylum and immigration law in order to enable the competent authorities to give due consideration, in granting the right to a residence permit or to asylum, and in deciding on deportation or removal, to the absence of effective national protection against any actual threat of a “crime of honour”.

III. Explanatory memorandum by Mrs Wohlwend, Rapporteur

1. ... So-called “crimes of honour” – as to the denomination, I should like to join the Secretary General of the United Nations, Mr Kofi Annan, who prefers the term “crimes of shame” – are unjustifiable and inexcusable violations of the criminal laws of all countries governed by the rule of law.

2. The horrific examples given by Mrs Cryer show that victims of this kind of crimes are often women. Of course, children (especially “illegitimate” ones) and men are also frequently victims of such “crimes of shame”. These are terrible examples for the consequences of the failure by the State to enforce the law. Whilst this issue is certainly also one of women’s rights, as the majority of victims are indeed women, it is a more general issue of the rule of law, and of the effective enforcement of the state monopoly on force. In some regions, even in long-standing member countries of the Council of Europe, unwritten codes of “honour”, cruelly enforced in the framework of archaic (and indeed mostly patriarchal) clan structures, establish zones of non-law, in which minor offences against these codes trigger blood feuds that decimate entire

families, and where the weakest members of society are effectively deprived of the protection by law.

3. The unfortunate fact that such “crimes of shame” go unpunished in many cases and that this perceived impunity encourages the perpetuation of such hideous criminal practices as described in Mrs Cryer’s memorandum must no longer be tolerated in any of our member states. I therefore believe that the proposed legal measures aimed at repression and prevention of such crimes should come first in the list of measures proposed, and that the possible creation of a new ground for asylum to cover those hard cases which the first set of measures cannot prevent should come second. I am also proposing a slight reformulation of the proposed preventive and repressive measures in order to avoid duplication as well as a possible misunderstanding regarding the independence of the judiciary.

4. Finally, the proposal for the amendment of national asylum and immigration legislation would in my view benefit from a more cautious formulation. As it stands, it may give rise to misinterpretation in the sense that any female inhabitant of any country, world-wide, in which “crimes of shame” occur should be granted a right to emigrate to the member states of the Council of Europe on the strength of an allegation of feared “crimes of honour”. Given also that the issues of gender-based persecution and persecution by non-state agents are far from settled, a more cautious formulation may be appropriate.

Resolutions of the Council of Europe Parliamentary Assembly:

Resolution 1327 (2003) So-called “honour crimes” 4 April 2003

1. The Parliamentary Assembly is very concerned by the increase in so-called “honour crimes”, committed against women in the name of honour, which constitute a flagrant violation of human rights based on archaic, unjust cultures and traditions.

2. The Assembly recalls the European Convention on Human Rights, which safeguards the right to life and the right not to be subjected to torture or to inhuman or degrading treatment or punishment.

3. It also refers to its Recommendations 1450 (2000) and 1582 (2002) concerning violence against women in Europe which condemn all “honour crimes”, and to Resolution 1247 (2001) on, more specifically, female genital mutilation, and which stresses the importance and urgency of making a distinction between the need to protect minority cultures and turning a blind eye to unacceptable customs that amount to torture and/or a breach of human rights.

The Assembly notes that whilst so-called “honour crimes” emanate from cultural and not religious roots and are perpetrated worldwide (mainly in patriarchal societies or communities), the majority of reported cases in Europe have been amongst Muslim or migrant Muslim communities (although Islam itself does not support the death penalty for honour-related misconduct).

The Assembly welcomes the adoption by the United Nations General Assembly of the Resolution on Working towards the Elimination of Crimes against Women Committed in the Name of Honour, which invites the international community to support the efforts of all countries, at their request, aimed at strengthening

institutional capacity for preventing crimes against women committed in the name of honour and in addressing their root causes.

The Assembly also recalls the United Nations Convention on the Elimination of all Forms of Discrimination Against Women and its Optional Protocol, which make the state responsible for failures to implement the provisions of the convention concerning the ill-treatment of women, including crimes committed in the name of honour. It appeals to member states of the Council of Europe to ratify the convention and especially its optional protocol.

The Assembly notes that some states use case-law as a tool to defend so-called “honour crimes”, and deplores inaction in the countries where they are justified by the traditions and customs of minorities.

The Assembly is concerned by the insufficiency of adequate data recording the occurrence of so-called “honour crimes” and the policies of some states, which do not disclose such information. It considers that member states of the Council of Europe should make public all information relevant to these crimes, in order to facilitate the efforts to combat such forms of violence and increase awareness of their occurrence.

The Assembly welcomes the measures taken by some European countries aimed at the prevention and elimination of so-called “honour crimes”, including amendments to national legislation and granting residence permits or even asylum status to women who have been subjected to such crimes.

10. Therefore the Assembly calls on the member states of the Council of Europe to:
 - i. adopt the following legal measures regarding the prevention and prosecution of so-called “honour crimes”:
 - a. amend national asylum and immigration law in order to ensure that immigration policy acknowledges that a woman has the right to a residence permit, or even to asylum, in order to escape from “honour crimes”, and does not risk deportation or removal if there is, or has been, any actual threat of a so-called “honour crime”;
 - b. enforce the legislation more effectively to penalise all crimes committed in the name of honour and ensure that allegations of violence and abuse are treated as serious criminal complaints;
 - c. ensure that such crimes are effectively (and sensitively) investigated and prosecuted. The courts should not accept honour in mitigation, or as a justifiable motive, of the crime;
 - d. take the necessary measures to implement the laws related to these crimes and to give policy makers, the police and the judiciary a better understanding of the causes and consequences of such crimes;
 - e. ensure a stronger female presence within the judicial bodies and the police;
 - ii. adopt the following preventive measures:
 - a. launch national awareness-raising campaigns through the media, in schools, universities and religious institutions in order to discourage and prevent “honour crimes”;

- b. provide special educational programmes for women and men from communities where such crimes occur, to raise their awareness of women's rights;
 - c. ensure that all children are made aware of gender equality from an early age;
 - d. encourage the collation and dissemination of statistical information on the occurrence of so-called "honour crimes";
 - e. provide gender equality training to law enforcement and judicial personnel to enable them to address complaints of violence in the name of honour with impartiality;
- iii. adopt the following protective measures:
- a. provide support for the victims and potential victims of attempted so-called "honour crimes" who request asylum;
 - b. provide support for the victims and potential victims of attempted so-called "honour crimes", including personal protection, legal aid and psychological rehabilitation;
 - c. create conditions for people to report such crimes in a safe and confidential environment;
 - d. support NGOs and women's associations which combat these practices and provide a safe refuge.

Recommendation 1450 (2000) Violence against women in Europe, 3 April 2000

The Assembly notes that although domestic violence is one of the commonest forms of violence against women, it remains the least visible. And yet it is estimated that more women in Europe die or are seriously injured every year through domestic violence than through cancer or road accidents. The costs, in terms of human and other resources, are as great to the medical and health services as they are to employers, the courts and the police.

The Assembly accordingly condemns violence against women as being a general violation of their rights as human beings - the right to life, safety, dignity and physical and psychological well-being.

It utterly deplores that in some member countries there are still murders committed allegedly to preserve honour, forced marriages and other forms of sacrifice, and it underlines the urgency of taking action to punish all criminal acts committed in the name of tradition or religion.

The Assembly therefore recommends that the Committee of Ministers:
 draw up a European programme to combat violence against women, with the aim of:
 harmonising law and procedure so as to establish a proper system of European positive law;
 bringing in legislation outlawing all forms of domestic violence;
 establishing legal recognition of marital rape and making it a criminal offence;
 ensuring greater protection for women, for example by means of orders restraining violent husbands from entering the marital home and measures to properly enforce penalties and sentences;
 ensuring greater flexibility as regards both access to justice and the availability of various procedures, with provision for ex officio action by the authorities, in camera hearings and court benches made up equally of female and male judges;

draw up a European charter of domestic work;
invite member states to:
ratify, if they have not yet done so, and implement the United Nations Convention on the Elimination of All Forms of Discrimination against Women and its protocol;
step up the role of the European Union Observatory on Violence against Women;
implement the measures advocated in Recommendation 1325 (1997) on trafficking in women and forced prostitution in Council of Europe member states and speedily make substantial funding available for programmes of support and assistance to victims of traffic in human beings;
step up international co-operation between state institutions and NGOs in order to improve protection for the victims of trafficking in women, something which requires, inter alia, increased awareness-raising and training for those in primary contact with potential victims of trafficking in women;
introduce training programmes for police officers and judges dealing with women victims of violence;
encourage recruitment of female police officers;
set up centres for women victims of violence;
run information and awareness-raising campaigns to educate the public about the unacceptability of violence towards women and set up preventive initiatives to promote equal relations.