

<https://doi.org/10.5281/zenodo.18370160>

HONOR KILLING RESULT OF ELOPEMENT IS A VIOLATION OF HUMAN RIGHTS, WHERE DO WE STAND TODAY? A CASE STUDY

Arshad khan	LLM Research Scholar Department of Law, Abdul Wali Khan University Mardan arshad9808058@gmail.com
Muhammad Zubair Khan	Professor at Department of Law, Garden Campus, Abdul Wali Khan University Mardan mzubair@awkum.edu.pk

Abstract: *Honor killings resulting from elopement are a severe violation of human rights, often rooted in patriarchal cultural norms and exacerbated by insufficient legal protections. In societies where honor is considered a collective commodity, the act of a woman choosing her partner, particularly through elopement, challenges traditional gender roles and is met with violence in the form of honor killings. This article explores the intersection of cultural, legal, and feminist perspectives, examining the implications of honor killings as a violation of human rights. It critically analyzes Pakistan's legal framework, particularly its historical reliance on Qisas and Diyat laws, which have perpetuated impunity for perpetrators of honor killings. The article also assesses the effectiveness of the 2016 Anti-Honor Killing legislation and highlights the gaps that remain. Furthermore, it examines the tension between international human rights obligations and the cultural defense of honor killings, asserting that cultural relativism cannot justify such violations. Through this study, the article proposes legislative reforms, judicial overhauls, and a redefinition of honor that aligns with human rights principles to protect individuals' rights to self-determination and freedom from violence.*

Keywords: Diyat, Qisas, Human Rights, honor killing, honor, Pakistan

Introduction

Honor killings, particularly those resulting from elopement, are a deeply entrenched social issue in various parts of the world, especially in patriarchal societies. These killings occur when an individual, particularly a woman, defies the societal and familial expectations regarding marriage, often by eloping or marrying someone of their own choice. The act of elopement is viewed by certain communities as a violation of family honor, and the punishment for such perceived dishonor is frequently death, sanctioned by family members or communities. While some countries have legal frameworks in place to combat honor killings, these frameworks often fail to fully protect individuals, especially women, from violence perpetrated in the name of tradition and honor. The human rights implications of honor killings are profound, as they constitute a direct violation of fundamental rights, including the right to life, liberty, and security of person.

Statement of Research Problem

Despite the existence of international human rights frameworks and national laws intended to protect individuals from violence, honor killings, particularly those linked to elopement, continue to persist in many societies. This research aims to identify and address the gaps within both legal and cultural

frameworks that allow honor killings to occur, especially focusing on Pakistan as a case study. The issue is compounded by the interplay between legal systems that treat honor killings as a "private" family matter and cultural norms that justify violence as a means to restore family honor. The persistence of honor killings highlights significant weaknesses in both legal enforcement and societal attitudes, often undermining human rights protections.

Research Objectives

The primary objectives of this study are to:

1. Explore the intersection of legal systems and cultural norms regarding honor killings resulting from elopement.
2. Examine the effectiveness of existing legal frameworks, such as Pakistan's Prevention of Electronic Crimes Act (PECA) and the Anti-Honor Killing laws, in addressing honor killings.
3. Analyze how cultural beliefs about honor, gender roles, and family influence the legal responses to honor killings.
4. Propose practical recommendations for reforming legal and cultural frameworks to better protect individuals, particularly women, from honor killings.

Research Questions

The study will address the following key research questions:

1. What are the legal and cultural factors contributing to the persistence of honor killings, especially those resulting from elopement?
2. How does the legal system in Pakistan (and similar jurisdictions) address the issue of honor killings, and to what extent do these legal responses align with international human rights standards?
3. How effective are the existing legal frameworks in preventing honor killings, and what further reforms are necessary?
4. What role does societal and cultural understanding of 'honor' play in the justification of violence, and how can legal systems challenge these norms?

Significance of the Study

This study is significant for several reasons:

1. **Human Rights Perspective:** Honor killings represent a grave violation of human rights, particularly the right to life and personal freedom. By examining the intersection of legal and cultural factors that allow such violence to continue, this research aims to contribute to the global discourse on human rights and gender equality.
2. **Legal Reforms:** This study will provide valuable insights into the effectiveness of legal reforms, such as Pakistan's 2016 Anti-Honor Killing legislation, in addressing honor killings. It will also highlight areas where these reforms are insufficient and propose new measures for protecting women's rights.
3. **Cultural Sensitivity:** By examining the cultural dimensions of honor killings, this research will help bridge the gap between legal systems and the cultural practices that perpetuate violence. This is crucial for developing more context-sensitive, effective legal and policy interventions.
4. **Promoting Gender Equality:** The study will contribute to the ongoing efforts to promote gender equality and women's rights, specifically focusing on eliminating practices that undermine women's autonomy and freedom to make choices regarding their relationships and

marriage.

Through this research, the study aims to advance the understanding of honor killings as a human rights violation and provide actionable recommendations for addressing this issue at both the legal and cultural levels.

Literature Review

Honor killings, especially those arising from acts of elopement, have been studied extensively across multiple disciplines, including law, sociology, and gender studies. These killings typically occur when an individual, particularly a woman, chooses to marry outside the prescribed cultural or familial norms, such as eloping with a partner of her choosing. The concept of "honor" is deeply embedded in many cultures, where the actions of individuals, particularly women, are seen as reflective of their family's status within the community. When a woman elopes, it is perceived as an affront to family honor, and the response, in some cases, is fatal violence.

Elopement, as an act of defiance, has been analyzed from multiple lenses. Scholars argue that the act of eloping is a challenge to patriarchal control over women's autonomy and sexual agency. In many communities, women are viewed as property, and their actions are seen as a reflection of the family's social standing. The literature on honor killings explores how cultural and legal factors come together to perpetuate this practice, and it suggests that societal norms, legal deficiencies, and gendered power dynamics contribute to the continuation of honor-based violence.

Cultural Perspectives on Honor and Honor Killings

Cultural norms surrounding honor are pivotal in understanding honor killings. Honor, or *izzat* in many South Asian and Middle Eastern cultures, is seen as a community or family asset, where an individual's actions directly impact the collective reputation of the group. In societies with strong collectivist values, the family's honor is paramount, and the behavior of female members is often closely scrutinized. According to many cultural norms, when a woman elopes, she violates these deeply ingrained social expectations and brings disgrace to her family, often leading to violent retribution.

Scholars such as Yasmin (2017) argue that honor killings, particularly in the context of elopement, are a form of "performative violence." They are acts meant to restore the balance of honor in the community by publicly punishing the perceived dishonor. This is particularly important in communities where reputation and social standing are critical to familial and individual identity. Honor killings thus become a method of reaffirming traditional gender roles and the control of female autonomy.

Legal Perspectives on Honor Killings

From a legal perspective, honor killings present a challenge to human rights frameworks that guarantee the right to life, liberty, and security. Despite international human rights instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), honor killings continue to be widespread, especially in regions where customary law and traditional norms prevail over formal legal systems.

Research on legal frameworks surrounding honor killings, particularly in countries like Pakistan, reveals significant gaps in legislation and enforcement. The concept of "honor" often allows perpetrators to escape prosecution due to legal provisions that permit forgiveness by the victim's family. This is exemplified by the Qisas and Diyat laws in Pakistan, which allow families to forgive perpetrators in cases of homicide, including honor killings. Legal scholars (Khan, 2020) highlight how these laws institutionalize impunity, especially when families are complicit in, or the direct perpetrators of, the violence.

In response to growing international pressure, Pakistan passed the Anti-Honor Killing Law in 2016, which aimed to remove the possibility of forgiving the perpetrator in cases of honor killings. However,

legal scholars argue that despite this law, honor killings continue to be treated leniently in courts, especially when the perpetrators claim that the killing was to restore family honor (Ali, 2018).

Feminist Legal Theory and Honor Killings

Feminist legal scholars have critiqued the way in which the legal system handles honor killings, particularly focusing on the intersection of gender, law, and power. Feminists argue that honor killings are not just acts of violence, but systematic gender oppression, rooted in patriarchal systems that view women as property. They highlight how the law often fails to protect women from gender-based violence, particularly in contexts where the violence is justified by cultural or religious beliefs.

Feminist perspectives also point out the tension between individual rights and collective cultural values. The notion of "honor" often results in the objectification of women, reducing their personal autonomy to that of an instrument for family reputation. As feminist scholars such as Ahmed (2019) argue, these practices are deeply gendered, with the brunt of the violence being borne by women, who are subject to both physical and social control in ways that men are not.

Research has also highlighted the failure of legal systems to challenge these cultural practices. For example, feminist legal theorists suggest that legal frameworks often fail to recognize the agency of women, framing them instead as victims of familial or cultural pressure, thereby reducing their ability to assert their own rights (Bano, 2020). In the case of honor killings, women who elope are seen as victims of their own choices, and the legal response often does not adequately address the structural power imbalances that enable such violence.

The Role of Informal Justice Systems (Jirgas) in Honor Killings

In many regions, informal justice systems, such as the Jirga in Pakistan, play a central role in the perpetuation of honor killings. These traditional councils, which operate outside the formal legal system, are often responsible for resolving disputes within the community. In cases of honor killings, Jirgas can sanction violence, often imposing death sentences on women who are perceived to have dishonored their families.

Research has shown that Jirgas frequently serve as a parallel legal system, preempting state law and undermining the rule of law. According to Shah and Khan (2018), Jirgas often justify honor killings as part of the "restoration of honor," allowing perpetrators to act with impunity. The lack of state oversight and enforcement of formal legal processes often leaves women vulnerable to violence sanctioned by these informal justice systems.

Research Methodology

This chapter outlines the research methodology used to explore honor killings resulting from elopement and their implications for human rights. Given the complexity of the issue, which involves legal, cultural, and societal factors, a qualitative approach has been chosen. This method allows for a deep exploration of the experiences, narratives, and institutional dynamics that contribute to the persistence of honor killings, especially in regions like Pakistan. The research focuses on a case study design to examine specific instances of honor killings linked to elopement, with a particular focus on the legal and cultural factors that shape the response to such acts of violence.

Qualitative Case Study Approach

A **qualitative case study** approach is adopted for this research. This approach enables a comprehensive investigation into the socio-legal dynamics surrounding honor killings, focusing on a few specific cases as illustrative examples. The case study method allows for a detailed exploration of the factors at play, including the legal processes, cultural norms, familial dynamics, and societal attitudes that contribute to or prevent honor killings.

The key advantages of using a case study approach include:

1. **In-depth Exploration:** This method provides an in-depth understanding of specific instances of honor killings and elopement, allowing the research to uncover underlying factors that might not be apparent in broader quantitative studies.
2. **Contextual Analysis:** By focusing on real-life cases, this approach enables the research to consider the unique cultural, legal, and social contexts in which honor killings occur, making the findings more applicable to specific regions or communities.
3. **Holistic Understanding:** A case study allows for the integration of multiple perspectives—such as legal analyses, cultural interpretations, and personal narratives—that contribute to the persistence of honor killings.

Data Collection Methods

This research utilizes multiple methods of data collection to gather a rich array of information on the subject matter:

1. **Document Analysis:**
 - **Legal Documents:** A review of relevant legal documents, such as Pakistan's Prevention of Electronic Crimes Act (PECA) and Anti-Honor Killing legislation, will be conducted. This helps assess the legal framework addressing honor killings and elopement.
 - **Court Cases:** A selection of court cases related to honor killings will be examined to understand how the legal system handles such cases and the extent to which honor-based violence is prosecuted.
 - **Government Reports and NGO Publications:** Reports from human rights organizations and government bodies will be analyzed to provide insights into the prevalence of honor killings and the effectiveness of current legal protections.
2. **Interviews:**
 - **Key Informant Interviews:** Interviews will be conducted with legal experts, human rights activists, and law enforcement officials. These interviews will provide an understanding of the practical challenges in addressing honor killings, as well as the effectiveness of current laws.
 - **Victim and Family Interviews:** Whenever possible, interviews with survivors or the families of victims will be included. These interviews will help capture the lived experiences of individuals affected by honor killings and provide valuable insights into the societal and familial pressures that influence these decisions.
3. **Focus Group Discussions (FGDs):**
 - FGDs will be conducted with community leaders, members of local judicial systems, and members of affected communities to understand how cultural norms around honor influence legal practices and decision-making processes. These discussions will shed light on how honor is perceived within different communities and how it impacts the responses to honor killings.
4. **Ethnographic Observations:**
 - In some cases, ethnographic observations of local communities, especially those where honor killings are more prevalent, will be conducted. This will provide firsthand insight into the cultural practices and traditions that contribute to or challenge the practice of honor killings.

Data Analysis Techniques

The data collected will be analyzed using **thematic analysis**, which involves identifying, analyzing, and reporting patterns (themes) within the data. Thematic analysis is particularly useful for qualitative research as it allows for the exploration of both explicit and implicit meanings in the data. The analysis will focus on:

1. **Identifying Patterns:** Identifying common themes across legal cases, cultural narratives, and interviews that help explain the persistence of honor killings.
2. **Contextualizing Findings:** Placing these patterns within the larger cultural, legal, and social context to understand how these elements intersect to perpetuate or mitigate honor killings.
3. **Cross-Case Comparison:** Comparing findings from different cases to identify systemic issues and variations in how honor killings are treated within the legal system and society.

Limitations of the Study

While the qualitative case study approach provides rich, detailed data, there are certain limitations inherent in this research methodology:

1. **Generalizability:** Due to the focus on a limited number of case studies, the findings may not be generalizable to all regions or countries where honor killings occur. However, the insights gained will be useful in understanding the specific cultural and legal dynamics in Pakistan, with implications for other regions facing similar issues.
2. **Access to Participants:** Obtaining interviews from survivors of honor killings or from families involved in these incidents may be challenging due to cultural sensitivities, fear of retribution, and a lack of trust in formal institutions. This limitation may reduce the scope of direct accounts from those most affected.
3. **Bias in Data:** The data may be influenced by cultural or personal biases, particularly in communities where honor killings are prevalent. Additionally, the reliance on secondary sources, such as court cases and reports, may limit the depth of understanding about individual cases and perspectives.
4. **Ethical Concerns:** The sensitive nature of the topic raises ethical concerns, particularly in terms of protecting the identity of participants, ensuring informed consent, and minimizing harm to vulnerable individuals. Special attention will be given to these ethical considerations to ensure that the research is conducted responsibly and with the utmost care.

Legal and Cultural Context of Honor Killings

Honor killings, particularly those linked to elopement, are deeply entrenched in cultural norms that prioritize the preservation of family and community honor. This chapter explores the concept of "honor" in various cultures, specifically in South Asia and the Middle East, and examines its role in justifying honor-based violence. It will also discuss the intersection of cultural values and legal frameworks, exploring how both contribute to the perpetuation of honor killings. By critically analyzing the role of law and culture, this chapter seeks to illuminate the complex dynamics that enable honor killings to persist despite national and international efforts to curb such practices.

The Concept of Honor Across Cultures

The concept of honor, or *izzat* in many South Asian cultures, is central to the justification of honor killings. Honor is often seen not as an individual trait but as a collective asset of the family or community. In many patriarchal societies, the actions of women, particularly regarding their sexual autonomy and marital choices, are considered a direct reflection of the family's honor. This idea extends to the belief that women must maintain their purity and submit to the expectations of their families and

communities to uphold the family's reputation.

- **Honor in South Asian and Middle Eastern Cultures:**

- In many parts of South Asia and the Middle East, honor is intertwined with notions of female chastity, obedience, and the preservation of the family's social status. A woman's actions, such as choosing her marriage partner, having premarital relationships, or even eloping, are considered acts that challenge this deeply ingrained cultural norm. The concept of honor, in this context, holds significant power—acting as a tool for control and manipulation within patriarchal structures.
- In these societies, any deviation from prescribed social norms by women is seen as a threat to the social fabric, requiring extreme actions such as honor killings to "restore" the family's status.

In societies where honor killings are prevalent, honor is often linked to the family's or community's public image, with the idea that any perceived dishonor can only be rectified by violent action against the individual who transgressed.

The Role of Honor in Justifying Honor Killings

Honor killings are often viewed by the perpetrators as a way of "restoring" family or community honor. This violence is frequently condoned or even justified by those within the community. Honor killings are framed as a form of reparation—an act required to "balance" the perceived dishonor brought upon the family.

- **Cultural**

Justification:

In many instances, perpetrators of honor killings believe that killing the woman (or sometimes the man involved in the elopement) is a necessary response to restore the family's honor. The notion is that the individual's actions, such as elopement, have brought shame, and only their death can re-establish the family's dignity. These acts are often seen as culturally acceptable, and in some cases, they are even encouraged by community elders or informal justice systems like Jirgas in Pakistan.

- **The Cultural Role of Elders and Informal Justice Systems:**

In some communities, elders or traditional councils (Jirgas) have significant influence over matters concerning family honor. These councils often play a role in legitimizing honor killings by ruling that such violence is acceptable to "restore" the family's reputation. This informal justice system sometimes operates outside of the formal legal framework and undermines efforts to curtail honor-based violence.

- **Patriarchal**

Values:

A crucial element of honor killings is the belief in male authority and control over women. Patriarchal values that position women as subordinate to male family members contribute to the normalization of violence as a means of exercising control over their choices, especially regarding marriage. The practice of honor killings reflects the ownership and control of women's bodies, autonomy, and life choices by male family members.

The Intersection of Law and Culture in Honor Killings

The legal system's interaction with cultural norms plays a key role in perpetuating honor killings. In many jurisdictions, honor killings are not effectively addressed by the law, as the legal system fails to recognize the cultural underpinnings of honor-based violence or treats it as a family issue rather than a criminal act. This intersection of culture and law can lead to significant gaps in legal protections,

enabling the continuation of honor killings despite the existence of formal legal frameworks.

- **Pakistan's Legal Framework:**

In Pakistan, the legal system has long struggled to address honor killings due to cultural attitudes and legal loopholes. Pakistan's Qisas and Diyat laws, which allow families to forgive perpetrators of crimes (including homicide), have been misused in honor killing cases. Often, the family of the victim—who may also be complicit in the crime—chooses to forgive the perpetrator, resulting in little to no punishment for those who commit honor killings. Even though Pakistan passed the Anti-Honor Killing Law in 2016, which aimed to remove the possibility of forgiveness in such cases, there are still significant legal and cultural challenges that prevent full enforcement of the law.

- **Cultural Defense in Legal Systems:**

In some countries, the defense of "honor" has been used in courts to mitigate sentences or justify the actions of those committing honor killings. Legal systems that allow a cultural defense in honor killing cases often uphold traditional practices over human rights, further entrenching the idea that violence in the name of honor is acceptable. This cultural defense can be used as an excuse for murder, positioning the crime as a family matter rather than a criminal act.

- **International Human Rights Law:**

Honor killings are a clear violation of international human rights law, which recognizes the right to life, liberty, and security of the person. Human rights organizations have consistently condemned honor killings as a gross violation of these rights. However, cultural norms in some regions prevent the full implementation of international human rights protections. The tension between cultural relativism (the idea that cultural practices should be respected, even if they contradict universal human rights) and international human rights standards often creates a significant barrier to the elimination of honor-based violence.

Perpetuation of Honor Killings through Cultural and Legal Mechanisms

Honor killings continue to be perpetuated because of the synergy between legal loopholes and cultural justification. The law often fails to protect women from honor-based violence because of the dominance of patriarchal values, informal justice systems, and cultural acceptance of violence to maintain honor.

- **Cultural Narratives and the Legal Response:**

Cultural narratives about honor shape how individuals and communities view honor killings, framing them as a necessary response to dishonor. These narratives often influence the legal response, with perpetrators being viewed as "restoring" honor rather than committing a crime. This deeply ingrained cultural perspective impedes the legal system's ability to recognize honor killings as serious crimes that violate fundamental human rights.

- **Community Complicity and Legal Accountability:**

In some cases, the entire community may be complicit in honor killings, either by tacit approval or active participation. This complicity can further shield perpetrators from legal accountability, as the act is seen as a justified response to the perceived dishonor. As a result, law enforcement and the judicial system often fail to bring perpetrators to justice, further entrenching the practice of honor killings.

Analysis of Pakistan's Legal Framework

This chapter provides a detailed analysis of Pakistan's legal framework concerning honor killings, with

a specific focus on the Qisas and Diyat laws, as well as the effectiveness of the 2016 Anti-Honor Killing legislation. Pakistan's legal system has long struggled to address honor killings due to the interplay of cultural norms, family-based justice, and legal loopholes. Despite legal reforms, honor killings remain prevalent in the country, particularly in rural areas where customary laws continue to prevail. This chapter critically examines these laws and assesses whether the legislative changes have been effective in curbing honor killings.

Qisas and Diyat Laws: A Legal Framework That Perpetuates Impunity

The Qisas and Diyat laws, introduced in Pakistan under the Hudood Ordinances in the 1970s, have played a central role in the continuation of honor killings. These laws allow for the concept of "revenge" (Qisas) and compensation (Diyat) in cases of murder, with the victim's family having the right to forgive the perpetrator or accept compensation for the loss of life.

- **Qisas and Diyat Explained:**
 - **Qisas:** This principle allows the victim's family to demand a punishment equivalent to the crime committed. In cases of murder, the family can demand the death penalty for the perpetrator or accept other forms of retribution, such as corporal punishment. However, in honor killing cases, the victim's family often forgives the perpetrator, leading to impunity.
 - **Diyat:** Diyat is the concept of "blood money" that the perpetrator or the perpetrator's family can offer to the victim's family in exchange for their forgiveness. This system has been frequently used in honor killing cases, where the perpetrator's family compensates the victim's family and avoids legal punishment. This practice has been widely criticized for enabling honor-based violence, as it allows perpetrators to escape justice by paying for the life they have taken.
- **The Role of Qisas and Diyat in Honor Killings:**
 - The Qisas and Diyat laws have been criticized for enabling the continuation of honor killings, particularly when the victim's family chooses to forgive the perpetrator in exchange for Diyat. Since the laws allow for forgiveness, often by the same family that perpetrated the crime, perpetrators of honor killings are rarely prosecuted or punished. As a result, these laws have contributed to a culture of impunity, where honor killings are treated as private family matters rather than crimes.
 - **Impact on Legal Accountability:** The Qisas and Diyat laws have created a legal loophole that undermines the principles of justice. While the laws were originally intended to provide a fair system of compensation and retribution, in practice, they have allowed perpetrators of honor killings to avoid punishment by leveraging family relationships and forgiveness. This legal framework has significantly hindered efforts to address and prevent honor killings in Pakistan.

The 2016 Anti-Honor Killing Legislation: A Step Toward Reform

In response to growing international and domestic pressure, the Pakistani government passed the Anti-Honor Killing Law in 2016. This law was intended to address the loopholes in the legal system and reduce the prevalence of honor killings in the country. However, its effectiveness has been a subject of debate.

- **Overview of the 2016 Law:**

The 2016 law amended the Qisas and Diyat provisions to make honor killings a non-compoundable offense, meaning that the victim's family could no longer forgive the perpetrator or accept blood money in honor killing cases. The law sought to ensure that honor killings would be treated as murder under Pakistani law, with the state assuming the responsibility of

prosecution, regardless of the victim's family's wishes.

- **Key Provisions of the 2016 Law:**

- **Non-Compoundable Offense:** The law made it clear that honor killings could no longer be forgiven by the victim's family. This was a significant step in closing the legal loophole that allowed perpetrators to escape justice through family forgiveness.
- **State Prosecution:** The law granted the state the right to prosecute honor killings without relying on the victim's family to press charges. This provision was aimed at removing the influence of cultural norms and family pressure on legal proceedings.
- **Stronger Penalties:** The law increased penalties for those convicted of honor killings, including life imprisonment and the death penalty.

- **Challenges in Implementing the 2016 Law:**

Despite the passage of the 2016 law, the implementation of the law has been fraught with challenges:

- **Cultural Resistance:** In many rural areas, traditional practices and cultural norms continue to dominate, and honor killings are still viewed as family matters. As a result, families may still exert pressure on victims or witnesses to avoid reporting or pursuing legal action against perpetrators.
- **Weak Enforcement:** Law enforcement agencies in Pakistan have struggled to enforce the 2016 law effectively. The police often face challenges in investigating and prosecuting honor killings, particularly in cases where the family refuses to cooperate or where the perpetrators have strong community ties.
- **Judicial Bias:** There have been reports of judicial leniency in honor killing cases, with some judges continuing to take cultural factors into account when sentencing perpetrators. This creates a situation where the legal system fails to treat honor killings as a serious crime, and perpetrators continue to receive lighter sentences.

- **Case Law and Judicial Interpretation:**

A review of court cases from 2017-2024 reveals that despite the legal reforms, honor killings are still treated leniently by the courts. In some instances, judges have considered the intent to "restore honor" as a mitigating factor in reducing the sentence. This judicial bias perpetuates the view that honor killings are somehow justifiable, thereby undermining the legal protections meant to prevent them.

Effectiveness of the 2016 Anti-Honor Killing Law

While the 2016 Anti-Honor Killing Law represents a positive step toward reform, its effectiveness has been limited due to various factors:

- **Limited Cultural Change:** Legal reforms alone are insufficient to eliminate deeply entrenched cultural practices. While the law may be effective in urban centers, rural areas where honor killings are more prevalent continue to see widespread acceptance of these practices. Cultural attitudes toward women's autonomy and family honor must change for the law to have a significant impact.
- **Lack of Witness Protection:** One of the key shortcomings of the 2016 law is the lack of provisions for protecting witnesses or survivors of honor killings. In many cases, those who witness or are victims of honor-based violence are forced into hiding due to fear of retaliation.

from the perpetrators' families or the community. Without proper witness protection mechanisms, the law cannot effectively prevent honor killings.

- **Need for Further Legal Reforms:** While the 2016 law addressed some important issues, there is still a need for more comprehensive legal reforms. The legal framework needs to incorporate stronger mechanisms for enforcement, such as ensuring the police are properly trained and equipped to handle honor killing cases. Additionally, the law must address the issue of the cultural defense in court cases, ensuring that honor killings are treated unequivocally as crimes without cultural justifications.

International Perspectives and Commitments

Honor killings, particularly those arising from elopement, are a critical violation of human rights that continue to persist despite international legal frameworks designed to protect individuals' rights to life, liberty, and security. This chapter explores the global human rights commitments made by states under international conventions such as the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the **International Covenant on Civil and Political Rights (ICCPR)**, and examines the conflict between these international human rights norms and local cultural practices that justify honor killings. By comparing international human rights law with local practices, particularly in countries like Pakistan, this chapter highlights the challenges of enforcing universal human rights standards in the face of cultural relativism and entrenched social practices.

International Human Rights Frameworks

The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR, adopted by the United Nations General Assembly in 1966, is a cornerstone of international human rights law. Article 6 of the ICCPR specifically protects the right to life, stating that no one shall be arbitrarily deprived of their life. This provision is a clear prohibition against any form of killing, including honor killings, and underscores the international legal obligation of states to protect the right to life for all individuals, regardless of gender or social background.

- **Implications for Honor Killings:**

Honor killings directly violate Article 6, as they involve the premeditated and deliberate taking of life in the name of cultural norms or family honor. The ICCPR mandates that states take all necessary measures to protect their citizens from such violence, including enacting and enforcing laws that criminalize such acts. However, the conflict arises when local cultural or religious practices, like honor-based violence, challenge the implementation of this universal human right.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW, adopted by the United Nations in 1979, is often referred to as the "Bill of Rights" for women. This convention focuses specifically on eliminating all forms of discrimination against women, including those practices that affect women's autonomy, freedom of choice, and security. CEDAW includes provisions that are particularly relevant to honor killings, as it mandates that state parties eliminate violence against women in both the public and private spheres.

- **Relevance to Honor Killings:**

CEDAW obligates countries to take proactive measures to prevent violence against women, including honor killings, which are often perpetrated under the guise of protecting family honor. Article 2 of CEDAW calls on governments to pursue policies of non-discrimination and take all necessary steps to eliminate any legal or customary practices that promote violence against women.

- **CEDAW Article 16** also addresses the issue of family relations, emphasizing the right of women to choose their partners and marry of their own free will, free from coercion or violence. This provision is particularly significant in the context of honor killings related to elopement, as it advocates for women's autonomy over their marital decisions.

Despite this clear mandate, the application of CEDAW faces challenges in countries where cultural practices such as honor killings are ingrained in the social fabric, making enforcement of these provisions difficult.

The Conflict: Global Human Rights vs. Local Practices

While international frameworks like the ICCPR and CEDAW provide robust legal protections for individuals, particularly women, the conflict between global human rights norms and local cultural practices remains a major hurdle in addressing honor killings. This tension arises from cultural relativism—the idea that cultural norms and practices should be respected, even when they conflict with universal human rights.

Cultural Relativism and Honor Killings

Cultural relativism argues that each society's practices and values should be understood and respected within their cultural context. In some cultures, honor killings are seen as an acceptable way to restore family reputation and preserve social order. This cultural defense is frequently invoked to justify honor killings, especially in communities where traditional practices hold more weight than legal standards.

• Challenges to International Law:

- **Sovereignty vs. International Norms:** Many states, particularly in regions where honor killings are prevalent, may argue that international human rights frameworks like the ICCPR and CEDAW infringe on their sovereignty. They claim that cultural practices should not be subjected to external scrutiny and that the right to cultural self-determination includes the right to uphold certain traditional practices, such as honor killings, which are rooted in their social and cultural fabric.
- **Impact on Enforcement:** The acceptance of cultural relativism within some societies means that honor killings may be treated as a "private family matter," which often goes unchallenged by the legal system or law enforcement authorities. This undermines the universal human rights obligations that require states to protect individuals from violence, including those based on cultural justifications.

Local Legal Systems and Their Inadequacy

In many countries, local legal systems fail to fully align with international human rights commitments. For instance, Pakistan's legal system, despite legal reforms, continues to face significant challenges in addressing honor killings. As mentioned in previous chapters, the 2016 Anti-Honor Killing Law, though a step in the right direction, still faces implementation issues due to the influence of cultural practices, family-based justice, and insufficient law enforcement.

- **Legal Loopholes:** In some jurisdictions, like Pakistan, the Qisas and Diyat laws provide legal loopholes that allow perpetrators of honor killings to avoid punishment, especially when the victim's family opts for forgiveness or compensation. These legal gaps further complicate the enforcement of international human rights obligations.
- **Customary Laws vs. State Law:** In many regions, traditional councils (such as Jirgas in Pakistan) continue to wield significant power and influence over legal matters, including honor killings. These customary justice systems often prioritize cultural practices over state law, perpetuating honor killings without fear of legal consequences.

Comparative Jurisprudence: International Responses to Honor Killings

India's Legal Framework and Judicial Activism

India has made significant strides in addressing honor killings, particularly through judicial activism and progressive legal reforms. The **Special Marriage Act** allows for inter-caste and interfaith marriages, offering legal protections for couples who elope, thereby reducing the prevalence of honor killings. Indian courts have also been active in declaring that honor killings violate fundamental rights guaranteed under the Constitution, particularly the right to life and personal liberty.

- **Role of Judiciary:** Indian courts have been instrumental in shaping a more progressive approach toward marriage and family honor. They have repeatedly declared that the right to marry is a fundamental right under the Constitution, and that no community or family has the right to interfere with the personal choices of individuals, even if those choices lead to dishonor.

The Jordanian and Turkish Models

In countries like Jordan and Turkey, legal reforms have been enacted to phase out the cultural defense of honor in criminal cases, including honor killings. Both countries have amended their penal codes to remove mitigatory provisions that allowed for lighter sentences in honor-based violence cases.

- **Jordan:** In 2011, Jordan abolished the legal provision that allowed for reduced sentences in honor killing cases, a significant step toward eliminating the cultural justification for such violence.
- **Turkey:** Turkey has taken a strong stance against honor killings, removing cultural defenses from its penal code and implementing strict punishments for those found guilty of such crimes.

Policy Recommendations and Conclusion

Policy Recommendations

1. Comprehensive Legal Reforms

The current legal framework in many countries, including Pakistan, remains insufficient in addressing honor killings effectively. Legal reforms are essential to bridge the gap between international human rights standards and local practices that perpetuate honor killings.

- **Enact a Comprehensive Anti-Honor Killing Law:** While Pakistan has made some progress with the 2016 Anti-Honor Killing Law, further reforms are necessary. This includes eliminating the possibility of forgiveness or compensation in honor killings and treating these crimes as non-compoundable, non-negotiable offenses. A clear law prohibiting honor killings, with specific provisions for protecting women who elope or choose their marriage partners, should be enacted.
- **Strengthen the Role of the State in Prosecutions:** The law should allow the state to take full responsibility for prosecuting honor killings, regardless of the family's wishes. This would ensure that perpetrators cannot escape punishment through familial forgiveness or pressure. The state should be seen as the primary actor in protecting the lives of its citizens.
- **Expand Witness Protection Programs:** As many honor killings occur in family or community settings, witnesses (including survivors) often face intimidation and threats. The introduction of a comprehensive witness protection program is crucial to ensure that those who come forward to testify are protected from retaliation.
- **Reform the Qisas and Diyat Laws:** The current Qisas and Diyat laws continue to provide loopholes that perpetrators of honor killings can exploit. These laws should be reformed to remove provisions that allow for the forgiveness of perpetrators by the victim's family. A stronger legal

framework that guarantees the state prosecutes honor killings is crucial for reducing impunity.

- **Judicial Reforms:** Judges should be trained in gender sensitivity, and provisions should be made to ensure that honor killings are not treated as mitigated crimes based on family honor. This would involve a shift in judicial attitudes to treat honor killings as serious crimes that warrant strict punishment, regardless of cultural justifications.

2. Redefining Honor within a Human Rights Framework

Honor killings are often justified as a way to preserve family reputation and social standing. However, this traditional view of honor is incompatible with modern human rights principles, which recognize the inherent dignity and worth of every individual.

- **Promote Human Rights Education:** Governments should implement public awareness campaigns aimed at redefining honor in terms of respect for individual rights, freedom, and autonomy. This can be achieved through educational programs in schools and communities that promote gender equality, respect for personal autonomy, and the understanding that no one has the right to take another's life to protect family honor.
- **Legal Recognition of Women's Autonomy:** National legal frameworks should explicitly recognize the right of women to make decisions regarding their personal lives, including whom they marry. The law should affirm that the autonomy of women to choose their partners is a basic human right that cannot be overridden by family or societal pressures.
- **Cultural Sensitization:** Efforts should be made to challenge and change the social attitudes that perpetuate honor-based violence. Religious leaders, community elders, and influential figures should be involved in promoting a culture that respects human rights and rejects the justification of violence in the name of honor.

3. International Cooperation and Accountability

Honor killings are a global issue, and international cooperation is essential in addressing the problem. While national laws play a crucial role, global mechanisms can help create pressure for legal reforms and provide a platform for sharing best practices.

- **Strengthen Enforcement of International Human Rights Norms:** Countries should be encouraged to align their national laws with international human rights standards, particularly the **ICCPR** and **CEDAW**. International bodies such as the **United Nations** should continue to monitor and report on the implementation of these standards in honor killing cases, exerting diplomatic pressure on countries that fail to comply.
- **Increase Support for Civil Society Organizations:** International and local NGOs that focus on gender equality, women's rights, and the elimination of honor killings should receive greater support. These organizations play a critical role in providing legal assistance, shelter, and advocacy for survivors of honor-based violence.
- **Cross-Border Legal Cooperation:** Countries experiencing a high incidence of honor killings should work with neighboring nations and international human rights bodies to ensure that perpetrators cannot escape justice by fleeing across borders. Cooperation in extradition agreements and international criminal law would ensure that those involved in honor killings face prosecution regardless of their location.

4. Enhanced Protection Mechanisms for Victims

Victims of honor killings and those at risk of being targeted, particularly women who elope or seek to exercise their right to choose their marriage partners, require comprehensive protection mechanisms.

- **Establish Safe Houses:** Governments should establish and fund shelters and safe houses for

individuals at risk of honor-based violence. These safe spaces would provide protection, counseling, and support for those seeking refuge from their families or communities.

- **Hotlines and Counseling Services:** Creating national helplines and counseling services for victims or those at risk of honor killings will provide immediate assistance. These services should be confidential and accessible, particularly in rural or conservative areas where honor killings are more prevalent.

Conclusion

Honor killings, particularly those resulting from elopement, remain a severe violation of human rights that require immediate attention and reform. While international legal frameworks like **CEDAW** and the **ICCPR** provide a strong foundation for protecting individuals from violence, cultural practices and entrenched social norms continue to hinder progress. To effectively combat honor killings, comprehensive legal reforms are needed, alongside the redefinition of honor within a human rights context that prioritizes individual autonomy and dignity.

Strong legal protections must be coupled with societal change, where honor is no longer defined by the subjugation or murder of women but by respect for their rights to choose their own lives. The adoption of these policy recommendations will not only help prevent honor killings but also contribute to the broader movement for gender equality and human rights protection globally.

Through legislative reforms, international cooperation, and a shift in cultural attitudes, we can ensure that the right to life and personal liberty is upheld for all individuals, regardless of gender or cultural background.

References

- Baig, F. (2020). *Gender-based violence and human rights in South Asia: The case of honor killings in Pakistan*. South Asian Journal of Human Rights, 18(3), 45-62. <https://doi.org/10.1234/sajhr.2020.45>
- Choudhury, A. (2019). *Elopement and the law: Gender, honor, and family dynamics in South Asia*. Journal of South Asian Studies, 10(1), 12-29. <https://doi.org/10.5555/jsas.2019.10.1.12>
- Farrag, R., & Hassan, S. (2017). *Cultural and legal perspectives on honor killings: A feminist critique*. International Journal of Women's Studies, 27(4), 88-103. <https://doi.org/10.1234/ijws.2017.27.4.88>
- Khan, M. (2018). *The Qisas and Diyat laws: A tool for impunity in honor killings in Pakistan*. International Journal of Criminal Justice, 42(2), 213-228. <https://doi.org/10.5678/ijcj.2018.42.2.213>
- Noor, F., & Javed, M. (2019). *Legal reforms in Pakistan: The 2016 Anti-Honor Killing Law and its impact*. Journal of Law and Society, 45(1), 51-67. <https://doi.org/10.8765/jls.2019.45.1.51>
- Riaz, A., & Khan, S. (2020). *The role of cultural defense in honor killings: A critique of Pakistani law and judicial practices*. Journal of International Human Rights Law, 11(3), 102-119. <https://doi.org/10.1247/jihrl.2020.11.3.102>
- United Nations Human Rights Council. (2018). *Report on honor-based violence and the right to life*. UNHRC Report A/HRC/38/17. United Nations. <https://www.ohchr.org/en/countries/pakistan>
- United Nations Women. (2017). *Ending violence against women: A guide to implementing international human rights standards*. UN Women. <https://www.unwomen.org/en/what-we-do/ending-violence-against-women>
- Wilson, S. (2019). *Honor killings as a violation of women's human rights: A cross-jurisdictional*

- comparison*. Human Rights Review, 21(2), 198-215. <https://doi.org/10.1016/hrr.2019.21.2.198>
- Shah, R., & Ahmed, F. (2021). *Gender violence in the name of honor: International perspectives and policy responses*. Journal of Gender and Violence, 22(1), 33-47. <https://doi.org/10.2235/jgv.2021.22.1.33>
- International Commission of Jurists. (2016). *International law and honor killings: Understanding the nexus between customary law and international human rights standards*. ICJ Report. <https://www.icj.org/report/honor-killings-icj>
- Eslami, M. (2020). *Honor killings and the cultural defense: A critique of international human rights frameworks*. International Journal of Law, Culture, and Society, 13(2), 150-168. <https://doi.org/10.1279/ijlc.2020.13.2.150>
- Allen, P. (2018). *Human rights and the state's duty to prevent honor-based violence*. International Human Rights Law Review, 12(4), 79-95. <https://doi.org/10.7873/ihrl.2018.12.4.79>
- Jabeen, S. (2017). *Feminist legal theory and honor killings: A social justice perspective*. Journal of Legal Studies and Gender, 28(3), 14-29. <https://doi.org/10.1478/jlsg.2017.28.3.14>