

What the state can do to root out honour killings

By Mahim Maher ^{Dawu} 11/12/04

Human Rights

EARLIER this week the Senate passed the honour-killing bill upping punishment for karo kari to death or 25 years imprisonment (from 14 years). The amendments suggested by the PPP didn't make it to the light of day and the opposition is miffed that the bill was passed so quickly. The state was not made the wali, as the PPP suggested, and the status quo has been upheld; men can still forgive the people who murder their women. Relatives can waive qisas as contained in Section 309 of the PPC. And the bill does not do away with the provision of *sulh-i-badl* in Section 310 under which the right to qisas is made compoundable.

The MMA was against making these changes, which it believed interfered with the Shariah laws of qisas and diyat. On October 25, MMA leaders said an attempt was being made to take away these rights as granted in verse 178 of *Surah al-Baqra* and this "proposed amendment in the law is aimed at destroying the family structure".

When the bill was passed on Tuesday, the MMA's Senator Kausur Firdous said that the government was passing this legislation under pressure from international human rights organizations: "We are facing a cultural war right now and western countries raise these issues to spoil our family culture. We should legislate in accordance with our social and family norms, otherwise big powers will make us bow down on every controversial issue."

The position that tampering with these laws is following the dictates of the West is a defensive one. Yes, certain aspects of Western culture do exert extensive influence on Pakistani society, but it is very small-minded to encourage culture or beliefs always in reaction to the West. (This incidentally is a bug most post-colonial countries battle at some point in time, but must emerge from eventually.)

The bill has, however, amended a provision in the criminal laws that had allowed a compromise between the victim's family and the killers, but only barring them from doing so before or during the trial. But since many karo kari cases never reach the courts, this is cold comfort. This is the reasoning behind major criticism of the bill; increasing the punishment will not matter because most of the time cases do not reach sentencing in the first place. Another problem the PPP had was with the discretionary powers of lower courts,

where it said the bulk of the judgments are decided.

We should legislate in accordance with what we think are the rights of women, not just family and social norms, which we could debate till we go blue in the face. Some families think it is traditional and hence excusable for them to murder their women because their honour (or land) is at stake. Other men wouldn't dream of killing a woman because they wanted to take out the man from the village next door to teach him a lesson not to steal their sugarcane.

Nonetheless, passing laws is the job of parliamentarians, but the implementation of the law is the duty of the state. The lives of these women are in the hands of their families, the police and the lower courts. The lower courts need to be re-educated, the police need to be either changed or made sensitive to the nature of these cases and patriarchal families need to be educated so that

Passing laws is the job of parliamentarians, but the implementation of the law is the duty of the state. The government should realize that if laws can't be changed, there are other ways of making headway. If it acknowledges that it is wrong to kill someone for honour, then the state does have the option to tackle the problem differently by spending money on educating women about their social rights.

they are convinced honour killing is wrong. If a man living in Shikarpur believes that he must kill his wife, there is only so much that the state can police him. It can exert as much pressure as it likes from the top-down, but what about the bottom-up?

Minister of State for Law, Justice and Human Rights Chaudhry Shahid Akram Bhinder said on Tuesday that the government is not against any further amendments. But if these are the amendments that the opposition was suggesting in the first place, why were they not inserted in the bill before it was passed? Does the government know that even if the punishment is 25 years or death this will not stop a man in Shikarpur who has the entire *jirga* haranguing him to "take care" of his wife or

face shame for the rest of his life?

The MMA and the PPP disagree on the way karo kari should be legislated against. But it is the job of political parties to disagree, however, only if this leads to compromise. But at this point in time, reaching a compromise feels like pushing molasses up a hill. What if the government rushed the bill through without the proposed amendments, because it doesn't want to go up against the Shariah laws? But for the women who are getting killed, (450 reported so far this year), does this mean they are getting stuck between state and senator? And how long will we be stuck in this deadlock?

Perhaps at this particular moment in time the laws will not be changed for the better. It should be changed to protect these women, but it isn't happening now. The state's basic problem is that women are being killed. If it can't change the laws, surely there are other ways it can

try to make headway. The government needs to think out of the box. If it at least acknowledges that it is wrong to kill someone for honour, then it does have the option to tackle the problem bottom-up, the other way around. Why not spend money on educating people and women about their social rights? (I am not talking about "mass awareness campaigns", which are costly and short term, and produce very few tangible results.)

We're not asking for miracles but the government can persistently tell men that it is wrong for them to kill their women. It must find a way to do this away from the laws, courts and police, or the arenas where there is corruption or considerable opposition. If the MMA has a problem with western intervention, can we not seek help from an

Islamic country which has encountered a similar problem and found solutions? We look to the government to find solutions, not get mired in controversy. What about before the crime? What will the government do before the crime?

Perhaps too much of this debate has taken place in Islamabad. And while this is unavoidable because the laws have to be passed there, can we assume that the man in Shikarpur knows or even cares about what is going on in the capital? But, the first step has been taken, the bill has been passed and we hope that the government keeps its promise to make amendments.

Will the focus now be on implementation, education and other solutions?