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HONOUR KILLING IN EGYPT

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INTRODUCTION:

The Association of Legal Aid for Women (CEWLA) is situated in Beaulac el Dakrou, a densely populated low income area in Cairo, Egypt. A large number of the inhabitants of the area came originally from conservative rural Upper Egypt to look for jobs and to settle down in Cairo. CEWLA is always visited by girls and women who come to seek CEWLA's assistance in issuing identity cards or obtaining birth certificates, seeking free of charge legal aid, or seeking counseling with regard to female genital mutilation.

During their visits to the NGO, women and girls recalled several incidences of honour killing that took place in the rural areas they came from. They also mentioned that the same incidences happen sometimes to their relatives or friends in the urban area where they live.

CEWLA became interested in addressing this difficult problem in Egypt and which was never addressed before either by government or by NGOs. It was in fact a taboo. The struggle against honour crimes started by CEWLA in 1997 for the first time in Egypt.

INFORMATION ABOUT CWELA:

CWELA is an Egyptian NGO established in the year 1995. It has two main concerns. The first is to provide legal counseling and legal aid for low income urban women. These women usually need the help of lawyers to file court cases to regain their legal rights in the domain of personal status law. The other important concern of CEWLA is combating violence against women including honor crimes.

In the field of gender based violence, CWELA started compiling and analyzing press coverage of 20 daily newspapers and weekly magazines that dealt with domestic violence in Egypt during the period mid 2002 till mid 2003. CEWLA's report showed the geographical distribution of the different incidences of domestic violence among the different governorates in Egypt. The report also showed that the perpetrators of violence were males in 75% of the cases and women represented 25%. The perpetrators were the husbands (52%), the fathers (10%), the brothers (10%), the mothers (4%) the rest were the sons, relatives of the husband or of the wife, the step father or the step mother. The types of violence were murder (76%), attempt to murder (5%), battering 18%), kidnapping 2.5% and the rest were different types such as burning property, forcing women to sign cheques and become guarantors of men, accusation of insanity...etc. The report indicated that causes of violence were honour crimes (42%), leaving the house without the husband's approval (7.5%), wives asking for divorce (3%)...etc.

In 1996 when the Demographic Health Survey mentioned that FGM is a universal practice in EGYPT. CEWLA decided to address this problem also with other NGOs to advocate for stopping the practice.

CEWLA planned and implemented a project on ending FGM with CEDPA (Centre for Development and Population Activities) which is a Washington D.C. based non-

profit organization working to empower women at all levels of society through access to family planning and reproductive health. They both used the positive deviance approach. CEWLA located families in the low income areas of Cairo who have stopped circumcising their girls; it also located doctors, nurses and midwives who stopped doing the operation. Lastly it has located religious leaders who opposed openly and publicly the operation. These groups were called "positive deviants". Several meetings among these groups were held to empower one another and reassure each other of the gains resulting from taking such stand. They were also trained to reach families who still believe in the practice with information on the adverse effects of FGM and on positive effects gained by girls who were not subjected to this practice. CEWLA collaborated with a number of NGOs in organizing such activities. This network of NGOs succeeded in demystifying the belief that FGM is required socially, medically or religiously.

In 1997, CEWLA decided to expand its activities in the domain of combating violence against women to cover also the issue of honour crimes.

BACKGROUND INFORMATION ON CAUSES OF HONOUR CRIMES IN EGYPT:

The legal system in Egypt is contradictory in that it guarantees women's rights in the public arena, restricting them in the private sphere. The personal status law for example, permits not only male polygamy, but the right of the husband to divorce his wife for no good reason and the expulsion of a divorced woman from the marital residence if she has no children or her children are beyond custody age. It also requires the wife's obedience if she needs the husband to spend on her. Family law prioritizes the reproductive role of woman, assuming that men alone are responsible for providing for the family. It places the protection of the family unit above individual rights within the family, giving men privileges to go with the role of sole provider. Likewise women are not treated as individuals, but rather as wives, mothers and daughters expected to obey the patriarch; and the control of the sexuality of girls and women is observed and monitored by male members of the family.

Economic rights are further determined by the woman's position within the family. Because the family remains the basic unit of Egyptian society, family structure and relations play a significant role in determining women's economic opportunities.

The problem is not only with the law but also with the application of the law that undermines women's rights. Judges in many cases are influenced by the same patriarchal biases of society. Women cannot be judges in Egypt except in the Constitutional court. The law is implemented by men only (police and justice depts. are all men)

Girls are socialized to consider marriage life's mission, because a woman does not have status unless she is married. As a result, women tend to accept and tolerate injustices that take place in the family. Many women, especially from low and middle income classes, tend to sacrifice their individual rights for the sake of preserving the marriage. Control of women's sexuality is a major obstacle to their practice of rights. Religious extremists place the blame for excessive libidinal drive on women alone,

with the result that FGM is universally practiced and veiling is increasingly imposed and honour crimes are acceptably practiced.

Honour crimes refer to the murder of a woman by her male family members for a perceived violation of the social norms of sexuality, or a suspicion of women having transgressed the limits of social behaviour imposed by traditions. This includes seeing or meeting a man even if this is only a suspicion or a gossip. Honor crimes include also a husband kills his wife whom he or other family members suspected her of adultery. It is difficult to estimate the overall number of honour killings that take place yearly in Egypt. An Egyptian report based on 1995 statistics counted 52 honor killings (out of 819 murders) reported.

Neither Shariah nor modern laws have appropriately penalized the practice due to the strong influence of the tribal system and popular beliefs about women's sexuality. In addition, modern penal codes and also the practices reinforce the notion that men have a "right" to punish women for improper sexual behaviour.

Honor crimes constitute a major violation of women's human rights. It is the most extreme form of domestic violence. Murder to cleanse family honor is a type of crimes committed against women, with impunity, in many parts of the world.

Egyptian films represent honour killing as part of highly valued and well respected tradition. Family honour is shown as dependent on the sexual conformity of its female family members. With the strong wave of conservatism in Egypt, strong criticism of the practice of honour killing by activists is rejected by many. They consider activists who condemn the practice as deviants from the religious principles and from good traditions and that they are only attempting to adopt a western agenda that does not respect family's honour and that permit females to practice premarital and extra marital relationships.

Article 17 of the Egyptian Penal code allows judges to decrease the sentences given in the case of murder when they decide that the condition of the murderer requires so. Such reductions reach as little as six months that could also be spent during the trial. Therefore the murderer can escape being imprisoned and walks free.

Also in the same penal code, a man's act of adultery is adulterous only in the marital home (article 277), but a wife is adulterous outside, or inside the marital home, and need not be found deflagrate delicate for the husband to benefit from the defense of inflamed emotions. The constitutionality of these laws has been challenged by activists in Egypt.

CEWLA'S CAMPAIGN AGAINST HONOUR CRIME

CEWLA adopted several strategies in its campaign against honor killing. These strategies consisted of searching for, and analyzing information on honour killing, obtaining information on court cases concerned with honour crimes and analyzing the court rulings and sentences given to murderers, discussing with legislators, policy makers and the media the issue of honour crime, raising awareness of the public about

such crimes, drafting amendments to discriminatory penal code articles and lastly co-operating with other NGOs working against gender based violence.

Collecting and analyzing information published on honour killing:

CEWLA started by reviewing news and articles written on honour crimes in Egyptian press (newspapers and magazines) published during the period 1998 and 2001. The number of these press clippings were 125.

Analysis of press clippings on honour crimes including crimes committed because of adultery showed the following:

Causes of Honour Killing

Murder of a female for being suspected	79%
Murder of a female because of adultery	9%
Murder of a female to hide incest	6%
Murder for other reasons	6%

**Degree of relationship between the victims
And the murderer**

Husband killing the wife	41%
Father killing the daughter	34%
Brother killing the sister	18%
A man killing his female relative	7%

Information collected showed also that means used in honour killing ranged from strangling, burning, forcing the woman to take poison, or throwing her from the window. Killing the girl is not only for establishing pre-marital relationships but also for marrying someone the family does not approve. In honour crimes committed by the brother, it was found that in many cases the murderer admits quickly the crime to the police because he feels proud of his act and believes that his tribe or community should know and value what he has done. Mothers sometimes commit honour crimes

and kill their daughter especially in cases of daughters having pre-marital relations and having become pregnant.

Analyzing court cases and sentences concerning honour crimes:

In view of its good contacts with the governor, judges and lawyers in Qena governorate in Upper Egypt, CEWLA was able to examine murder cases in Qena court. It examined several cases of murder until it collected ten murder cases committed because of honour killing.

In the court case No. 831 of 1998 in Qena, a girl's father and brother killed her. She was mentally retarded and suffered from psychological disorders. She used to go out of the house without permission. She also used to spoil the food when cooking and ruin some of the household equipment. Her father and her brother could not tolerate her any longer. After her mother's death, they both pushed her to far away place so that nobody could see them or hear her voice. They both strangled her with a red shawl she was wearing; they also hit her hard on her back and tummy with a stick and left her dead.

The court found out that there was no proof that the girl's chastity was in question. Both the father and the brother said that they killed her because of their deep concern and fear that she might get involved with a stranger due to her frequent trips outside the house. In spite of the fact that the court was sure that the two men had committed murder of first degree, yet the judge used article 17 of the Penal Code and gave the father a verdict of imprisonment for ten years only.

In court case No. 2331 of 1991 in Qena, a man committed murder of first degree against a girl who married someone who was not from her family. He obtained a weapon and waited for her and then fired against her to kill her. After investigation, the court found that the man was the girl's ex- fiancé. The two used to have fights with one another; the girl broke the engagement and got married to someone who used to work with her without the consent of her family. The family got very angry. Her ex- fiance took his gun, waited for the girl on the road she used to take to go to the school where she used to teach. Her ex fiancé killed her and ran away and hid himself in a nearby house and stayed there until he was captured by the police. He admitted that he killed the girl because he wanted to marry her without her approval. The court sentence mentioned that the marriage of the girl with her workmate is considered legal. However, her marrying him without the consent of the family, the tribe and the small community where she lived and her escape to Cairo is contrary to the rural tradition and causes shame to her family, her tribe and her community. She caused them to loose their esteem and respect. It also mentioned that since the brother of the girl has pardoned the murderer, then article 17 was applied and the murderer had a sentence of seven years imprisonment.

Other court cases dealt with women who suffered from bad reputation and were killed by relatives (in spite of the fact that sometime there was no ground for the accusations and it was just gossip). In other cases when girls got pregnant without being married, they were killed. Sometimes, their mothers were also killed when they had hidden this fact.

In all ten court cases the penalties ranged from no verdict to imprisonment between 2 and 4 years except the first two cases mentioned above. In all cases, article (17) of the penal code was applied.

ORGANIZING MEETINGS AND ROUNDTABLES TO DISCUSS THE FINDINGS:

CEWLA organized a number of meetings and roundtables to share and discuss the findings it collected about honour crimes in Egypt. The purpose of these meetings was also to encourage other NGOs to start planning activities to address this issue. The target groups in these meetings and roundtables were NGOs, media staff, lawyers, judges and religious leaders. Two of the meetings were held in Cairo and Alexandria (the largest two cities in Egypt) and the three other roundtables were held in Qena, Sohag and Assiut, three Rural Upper Egyptian governorates.

Suggestions and recommendations arrived at these meetings dealt with the need to promote gender sensitive socialization of children. The need to sensitize the media so as not to project men as the guards of women's sexuality. The media was also asked to present honour crimes in an objective way and to stop dealing with it as normal accidents without going deep into analysis of these crimes, their causes, and their impact in terms of perpetuating the subordination of women under the claim of controlling their sexuality.

A long discussion also took place about the role of NGOs in combating violence against women in all its forms. Training of judges was also recommended. Bringing religious leaders into the debate of gender based violence was also suggested.

The National Conference on Honour Crimes:

The discussions and recommendations arrived at during the several meetings and roundtables that CEWLA had organized were presented in a national conference held in Upper Egypt. The Conference was held in Minya in Upper Egypt. Upper Egypt is known of conservatism and limited mobility of women and there is a grounded belief that honour crimes are practiced there more than in large cities. Many participants from all over Egypt participated in the conference.

The conference discussed in full the legal aspects and the social aspects of honour crime. The discussion helped also in putting a draft work plan for the future.

Recommendations arrived at the conference included the following:

- 1) The need to raise awareness of religious leaders to reach families with information that religion does not authorize a male family member to take justice on his hand and penalize or kill whom he thinks is an errant female relative
- 2) The need to train police staff on how to deal with domestic violence and the need to have women in the police and in the judiciary.

- 3) The need to provide women with counseling on domestic violence. This service is best offered by NGOs.
- 4) The need to increase and upgrade the services of shelters for victims of violence.
- 5) The need to issue a new personal status law that does not discriminate against women and that guarantees her basic human rights.
- 6) The need to hold the government accountable to protecting women's lives and physical security. Egypt is a party member of CEDAW. General Recommendation 19, adopted by the CEDAW Committee in 1992, mentions that "states may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights, or to investigate and punish acts of violence." The International Declaration on the Elimination of Violence against Women, adopted in 1993, affirmed states' obligation to protect women from violence. And that "states should condemn violence against women. Under CEDAW, the government is also obliged 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."

ESTABLISHING A NATIONAL NGO NETWORK ON ELIMINATING VIOLENCE AGAINST WOMEN:

In 2003, CEWLA jointed a national NGO network working for the elimination of violence against women. The network umbrella is the Alliance for Arab Women, a regional NGO which was able to obtain a fund to plan and implement a project on gender based violence. The network works in five governorates in Egypt. The objective of the project is to raise awareness of specific target groups about the adverse effects of violence against women and to work towards amending legislation that deal with violence against women, especially with regard to honour crime, adultery and rape. The network is composed of three NGOs in addition to the Alliance for Arab Women and its different branches in Egypt. The project was able to train staff of police academy and also police staff on gender based violence. The network organized seminars with students and professors at the different sociology and social work Departments of the different universities in Egypt. They have also held several seminars with local leaders, with school social workers, counselors of family counseling centers and staff of juvenile delinquents institutions. The network has also helped other NGOs in establishing legal aid centers for women.

On the legal side, the network has worked with lawyers, judges, staff of Ministry of Justice and members of the Parliament to suggest amendments on penal code that deal with the three crimes: honour killing, adultery and rape and incest

The crime of honour is not spelled out in the penal code. However as found by CEWLA, article 17 was usually used to reduce or waive charges against the perpetrator of honour crime. It was recommended to delete this article especially that the majority of articles concerning punishment give the judge a range of options

which he can choose from. The article is considered a violation of international human rights and always used against women in a discriminatory way.

As for adultery, the suggestion made that in case that it becomes very difficult at present to delete the crime of adultery from the penal code then it is necessary to make the law gender neutral and to apply the same punishment for females and grant them the same reduction in penalty as males.

As for rape, it was suggested that penalties of imprisonment be increased to a period of not less seven years, and in case of the female being under 18 and the rapist is related to her (incest) or has been her guardian he should be imprisoned for life.

The new draft amendments have secured the support of some legislators in the parliament. They will take it to the parliament to be discussed soon.

Factors that made addressing honour killing in Egypt possible:

- 1) Collecting, analyzing and sharing data concerning honour crime.
- 2) Analyzing court cases and the sentences given by judges and making this available to the public
- 3) Making use of the international human rights instruments that Egypt has ratified to ensure government's commitment to ending violence.
- 4) Addressing the legal aspects
- 5) Joining other NGOs in the campaign to combat violence against women.

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