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**HONOUR KILLINGS AND THE QUEST FOR JUSTICE IN  
BLACK AND MINORITY ETHNIC COMMUNITIES  
IN THE UK**

**AND**

**MOVING TOWARD A “MULTICULTURALISM WITHOUT  
CULTURE”: CONSTRUCTING A VICTIM-FRIENDLY  
HUMAN RIGHTS APPROACH TO FORCED MARRIAGE  
IN THE UK**

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*\* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.*

**Paper 1:**

**‘Honour’ Killings and the Quest for Justice in Black and Minority Ethnic Communities in the UK<sup>2</sup>**

It is important to underline the universality of violence against women and its causes, because we are increasingly observing a worrying trend towards singling out certain types of violence and essentialising certain cultures as the source of the problem. (Erturk, 2007, p. 2)

Over the last three decades, violence against women (VAW) has become a matter of major public and academic interest (Gangoli, Razack, & McCarry, 2007; Hester, Kelly, & Radford, 1995; Thiara, 2003.) Investigative work has started to reveal the extent to which various forms of violence—ranging from domestic violence to sexual violence, and from culturally sanctioned forced marriages to female genital mutilation (FGM)—are inflicted on women around the world (Horvath & Kelly, 2006.) However, although considerable progress has been made toward understanding the nature of VAW, much remains to be done in terms of preventing the violence, as well as in addressing the causes and consequences of this widespread problem. In the UK, there has been little empirical research into one form of VAW, so-called ‘honour’ crimes, which include all forms of violence directed towards women in the name of “honour.” This lack of research is particularly marked in the case of Iranian and Kurdish communities, where the incidence of ‘honour’ crimes is increasing (Begikhani, 2005.) The movement towards greater understanding has been impeded by semantic wrangling over the term ‘honour’ crime itself, which has been criticized for its emphasis on male ‘honour,’ and for the way in which the term encourages those who use it to discount the widespread incidence of non-fatal violence. Criticisms have also been made of the range of the measures required to eradicate such crimes (Baxi, Rai, & Ali, 2008.) There is also a lack of consensus about the definition of the term, and there have been countless debates about what actually constitutes ‘honour’-based violence (HBV) (Welchman & Hossain, 2005.)

For the purposes of this paper, however, a working definition is needed, and so ‘honour’-based violence will be considered to constitute any form of violence perpetrated against females within the framework of patriarchal family structures, communities, and/or societies, where the main justification for the perpetration of violence is the protection of a social construction of ‘honour’ as a value-system, norm, or tradition. Nonetheless, it is vital to remember that the term itself is a symbolic, and hence rhetorical, construction, subject to contested meanings. Thus the definition put forward by the Council of Europe (2002)—an “official” definition—does recognize some of the complexities of the issue, but it does not adequately cover the spectrum of behaviors that involve power, control, domination, and intimidation,

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<sup>2</sup> This ‘honour’ crimes paper is based on the following article:  
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any and all of which are harmful, and almost all of which are directed at vulnerable and more powerless individuals, usually women and children. Thus, although there is no consensus about how to define HBV, there is agreement that the “victim” must have access to adequate and sustained routes to safety, justice, and protection.

‘Honour’ killings are a very specific form of HBV, and there is naturally much clearer agreement about what constitutes an ‘honour’-based murder: this is taken to be the murder, or attempted murder, of a woman by members of her family who do not approve of her sexual behaviour (Abu-Odeh, 1996; Werbner, 2007.) Although there are no official statistics on ‘honour’ killings in the UK, an incomplete survey of the cases that received coverage in the national media showed that during the period 1998-2007 an average of 12 ‘honour’ killings were investigated by the police each year (MPS, 2007.) Criminal Prosecution Service (CPS) figures are very similar, indicating that approximately 12 ‘honour’ killings take place in the UK every year. However, these cases represent a fraction of the true number of ‘honour’-based crimes, the majority of which—according to police records—occur in South Asian communities.

Because of the complexity of this issue, and the relative lack of data about the nature of HBV, this paper is intended to offer a thorough exploration of the key cultural factors that are used to justify the perpetration of femicidal violence associated with ‘honour’ in migrant communities in the UK. There has to date been little treatment of the cultural and social forces that underpin HBV, and so, by placing ‘honour’ crimes against South Asian women in context, this essay will aim to do just that. The hope is that, by advancing current knowledge of the types of violence that afflict the daily lives of many women and girls, not only in the UK but across the globe, this will aid in the development of new initiatives to reduce all forms of VAW.

### The Meaning of ‘Honour’

While this article is ostensibly about ‘honour’-based violence (HBV), the first contention of this article is that this phenomenon should actually be defined as a form of violence against women, and that the terms ‘honour’-based violence and ‘honour’ killings should be dropped. One reason for this is unashamedly polemical, and proceeds from the belief that there is no ‘honour’ involved in these murders, and that calling them “honour killings” belittles the victims and plays down the severity of these crimes. Another reason for rejecting the term ‘honour’-based violence in favor of VAW is socio-political: these are crimes of violence committed against women as predominantly done by men. In this respect violence against women is a means for establishing boundaries between the “gendered” cultural codes of family and local community and the “gendered” norms and values of the dominant society. ‘honour’ is actually less important as a concept than the desire on the part of male leaders within these patriarchal social groups to retain their political and cultural authority by reinforcing established gender roles and expectations. This strategy revolves around socially controlling how one may attain or forfeit “honour.” Shame (Urdu: *sharam*) is often associated with personal “honour,” although it is not necessarily seen as its opposite. Fears about the loss of personal or family ‘honour’ shape how individuals act within these contexts; shame is therefore an effective tool for curbing individual impulses that exist as a threatened sanction imposed by communities on individuals.

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The notion of 'honour' acts as a smokescreen, a nod to an extrinsic value system that masks the fact that judgments about 'honour' are made according to internally defined, gendered criteria. The problem for those wishing to understand the issue from an external point of view involves the fact that there is conflict between patriarchal systems which have deep historical and cultural roots, and systems founded on principles of equality (i.e. equal rights or equality before the law.) However, it is the contention of this article that violations of these latter principles should no longer be allowed to be used to support the preservation of cultural values in minority communities, when those cultural values are fundamentally at odds with concepts of equality and human rights held by the wider society. Patriarchal communities often seek to establish their own autonomy, with their own laws, within (or even apart from) UK society, when these communities should be governed by the laws and principles of the wider society of which they are a part. And, most importantly, women in these communities must not be victimized for adopting norms and behaviors that are accepted, and even endorsed, in this larger society.

In an 'honour'-based society, the man is defined as the head of the family, no matter how much value is attributed to female activities. The man is the defender of his and the family's 'honour': it is his duty to defend it against any behavior that might be seen as shameful or humiliating by his community. He is expected to protect "his" women, whom he regards as his property, for as long as he values them as a resource; they effectively function as symbols of "honour." To illustrate this by example: in some 'honour'-based cultures, the woman's hymen is regarded as a symbol of the family's "honour," and, for this reason, some communities (especially, although not exclusively, those in certain parts of Africa) practice FGM, on the grounds that this activity is done in order to protect the family's 'honour' (Peristiany & Pitt-Rivers, 1992.) In this, as in other cases of HBV, a cultural tradition is used to justify violence against women, and the woman's health and well-being are subordinated to notions of family "honour." And it is precisely because the notion of 'honour' underlies so many forms of gender-based violence across the world that HBV cannot be studied, or even understood, in isolation from other forms of VAW and the particular societal context in which such violence occurs.

This argument marks a radical departure from scholarly tradition, however, because HBV has historically been defined as a category of violence quite distinct from VAW. HBV is usually differentiated from other forms of domestic violence on the grounds that it (a) occurs within the framework of collective family structures, communities and societies; (b) involves a premeditated act, designed to restore a societal construction of 'honour' as a value system, norm or tradition; and (c) is based on men's putative right to control women's sexual and social choices, with a concomitant perception of women as the property of men (Sen, 2003; Welchman & Hossain, 2005.) The traditional view of HBV is that it is a unique category of violence that encompasses a broad range of violent crimes, most of which are committed against women and girls. Forced marriage and FGM are treated alongside other 'honour' crimes," such as 'honour' revenge, forced virginity, forced hymen repair, forced abortion, imprisonment of partners, and other forms of coercion and abuse (Dustin, 2006.)

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The problem is further compounded by the fact that the women themselves often do not recognize that they are victims of gender-based violence, but interpret their treatment as an intrinsic part of their culture. Typically, a woman who lives in an ‘honour’-based society learns either that she is not regarded as a human being, or that she is not equal to her male counterparts. The socialization of young women in such societies revolves around notions of family ‘honour’ and cultural norms which become so deeply internalized that women often find it difficult to break away from these values. As a result of this socialization, many women feel that they are to blame for the emotional and physical abuse they suffer, and so become complicit in their own subjugation. Within the family, mothers, mothers-in-law, and older siblings are also involved, both directly and indirectly, in the perpetration of HBV. Although male control and dominance of women appears to be an underlying cause of VAW in South Asian communities, then, the involvement of female family members in the violence is also a by-product of the interlocking systems of gender roles and life-cycle-based hierarchies that characterize the South Asian family (Gill, 2004.)

The interdependencies between family members in patriarchal systems are explicitly hierarchical: the woman’s role within the family is defined in relation to men. According to Sangari (1999), when they become involved in the socialization of other women (particularly their daughters), women in these communities comply with patriarchal familial ideologies because their multilayered identities are rooted in class, caste, and familial notions of status. Furthermore, just as the family subsumes a woman’s identity, so it also defines her position in society; acquiescing to such ideologies becomes, for many women, their way of justifying their own sense of self-worth. South Asian women, for example, may be coerced into accepting societal value systems predicated on the notion of ‘honour’ and, as a consequence, become part of a system that guarantees them security in terms of economic benefits and social status. This complicity with patriarchal structures, along with the historical dominance of men within society, legitimizes VAW as a necessary corrective force for sustaining social order in the eyes of women, as well as men (Kandiyoti, 1988.)

In South Asian communities, ‘honour’ (Urdu: *izzat*) is highly valued; it is in the conduct, actions, and social performances of women that families attain ‘honour’ and prestige. The family ‘honour’ must be preserved at all costs: family interests take precedence over individual interests. As *izzat* relies on the behavior of women, safeguarding the family *izzat* can also be viewed as a means of exercising social control over women’s bodies and behavior. Consent to the patriarchal norms of religion, culture and class is strongly encouraged, and the degree to which each woman conforms to the value systems embedded in these institutions is reflected in the way she is perceived by her marital and blood family.

Furthermore, in patriarchal societies, women are invested with immense negative power, because any misbehavior on their part can bring shame and dishonour to the male members of an entire community or lineage (Kandiyoti, 1988.) Female chastity and modesty are considered to be essential components of the family’s ‘honour’ (Derne, 1994); this results in the systematic control of women’s social and sexual behavior (Ortner, 1978.) It is therefore quite clear that the notion of ‘honour’ is

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deeply embedded in the larger operations of patriarchy within these communities. Specifically, ‘honour’-based violence is a fundamental strut of the patriarchal order, and violence against women is designed to control women in order to maintain the patriarchal status quo (Kandiyoti, 1988.) Putting aside all claims about abstract notions of ‘honour’, we can say that men victimize and abuse women in their communities entirely in order to sustain their dominance within the social system. ‘honour’-based violence is thus implicitly gendered, and it is therefore merely one form of VAW.

### *‘Honour’ Killings*

The term ‘honour’ killing commonly refers to the murder (or sometimes the attempted murder) of a woman by members of her family who do not approve of her sexual behaviour (Abu-Odeh, 1996; Werbner, 2007.) This can include the woman’s female family members (most often her mother or mother-in-law.) As with less extreme forms of HBV, the murder is intended to restore the family’s social reputation. And again, the term ‘honour’ disguises the fact that this is a premeditated crime; furthermore, suggesting that a woman is killed for having besmirched her own ‘honour’ implies that she in some way brings the crime upon herself.

One oft-cited case of HBV exhibits a number of common characteristics typical to family ‘honour’ killings. In this 1998 case, a woman from Derby in the UK, Rukhsana Naz, who was forced into marriage at 16, was murdered by family because they thought she had become pregnant as the result of an adulterous affair. She was effectively judged to have been in contravention of her community’s laws and deemed “sexually deviant;” her behavior represented a violation of fundamental Pakistani norms and values and so brought shame upon her family. Once a family’s reputation is thought to have been “dishonoured” in this way, the “culpable” woman—whether she be a sister, daughter, or daughter-in-law—is in danger of being killed. The killer will then believe their actions to be a form of “honour cleansing,” i.e. of “wiping away a stain on the family honour.” Ironically, though perhaps unsurprisingly, this cleansing process is accomplished through the spilling of blood.

‘Honour’ killings cut across ethnic, class and religious lines. Amid the meagre academic literature on ‘honour’ killings in the Punjab, Kurdistan, Turkey, and Pakistan, a number of studies have made the assumption that these practices are fundamentally Islamic (Ginat, 1979; Kressel, 1981.) In fact, ‘honour’ killings are perpetrated not only by Muslims, but also by Druze, Christians, and occasionally Jews (of Sephardic backgrounds, primarily in Greek and Latin American societies); ‘honour’ killing, as an extreme example of HBV, transcends cultural boundaries, though laws governing specific cultures are often invoked to support the practice.

### **The Scope of the Problem and the Legislative Response in the UK and Europe**

The United Nations Population Fund estimates that 5,000 women are killed in the name of ‘honour’ each year, mainly in the Middle East and Asia. It is impossible to know the exact number of women killed, or determine how widespread HBV is. This is compounded by the fact that reports to the police are rare and sporadic: both

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male and female family members typically try to cover up these crimes. Many victims of HBV are abducted: they disappear and are never reported missing (Dustin, 2006.) The few 'honour' killings reported in Europe to date have occurred in migrant communities, and have mainly involved Asian, Turkish, or Kurdish communities. The victims, in many of these cases, had also experienced forced marriage.

Governments and non-state actors, throughout the world, have identified HBV as a growing problem which requires urgent attention, in the form of establishing both short- and long-term preventative and educational initiatives. In 2004, the Netherlands NGO TransAct, for example, launched a National Platform Against Honour Related Violence to exchange information and expertise and to develop collaborative endeavours between European countries. In November 2003, the Swedish Minister of Democracy and Integration Issues convened an expert panel on HBV. Sweden is also the base of a cross-European project on HBV, initiated by an NGO called Kvinnoforum and supported by the European Union. These initiatives were established in an attempt to create a knowledge base about HBV, and to promote the sharing of good practice across Europe. For example, in 2004, Stockholm hosted an international conference which culminated in The Stockholm Declaration to Combat Honour-related Violence in Europe. The strategies outlined in the declaration consist of both preventative and punitive measures; these measures recognize that awareness-raising in the communities concerned must play a key role in tackling the issue.

Although none of these countries have suggested that 'honour' crimes should comprise a specific category within the legal system, in policy terms they do tend to be treated as distinct from non-'honour'-based VAW. For instance, in the UK, many NGOs that are focused on women's cause do use the term VAW, rather than domestic violence or HBV, to define these crimes, because VAW encompasses the range of violence that women from majority and minority communities experience (Dustin, 2006.)

In line with the analysis presented earlier in this article, when we examine the number of 'honour'-killings that have been prosecuted in the UK it emerges the almost all the defendants (who were mostly from Pakistani, Sikh, and Kurdish backgrounds) offered a cultural defense, claiming that the victim had dishonoured the family, and so killing her was an obligation imposed by culture, tradition, and the community's moral values. Throughout the 1990s, UK judges accepted this cultural defense and imposed reduced sentences, usually sentencing for manslaughter instead of premeditated murder. Such lenience was viewed as an incentive for patriarchal communities predicated on 'honour' systems to continue to commit HBV; moreover, these rulings suggested that the men involved had the right to monitor, punish, and even kill female relatives in order to moderate their behavior (CPS, 2007.)

Until recently, the main Government initiative on HBV in the UK focused on forced marriage, meaning that the government has focused on a small subset of distinct legal category, rather than tried to understand the wider context of HBV and VAW. Most of the more general work on HBV has been carried out by academics and groups focused on women's rights; one of the key UK initiatives was the Project on Strategies to Address Crimes of Honour, which was set up in 1999 in co-ordination with the Centre of Islamic and Middle Eastern Laws (CIMEL) at the School of

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Oriental and African Studies (University of London) and the International Centre for the Legal Protection of Rights (INTERIGHTS). At a grassroots and casework level, there are a number of community and women's groups, including Newham Asian Women's Project, Southall Black Sisters, and Kurdish Women Action against Honour Killings, which have been campaigning for many years to bring the true incidence of HBV to light.

More recently, the Metropolitan Police Service (MPS) has taken the lead in the effort to prevent HBV. The immediate catalyst for this work was the extensive media coverage, in 2002, of the murder of a 16-year-old Turkish Kurd, Heshu Younes, who was killed by her father after he learnt of her affair with a Lebanese Christian man. In line with the general belief that 'honour' crimes are a matter of cultural difference, the judge, on sentencing the father to life imprisonment, described the case as "a tragic story arising out of irreconcilable cultural differences between traditional Kurdish values and the values of Western society" (Abdulla & Younes, 2003.) Two other high-profile cases occurred in 2003: Anita Gindha was strangled; and Sajhda Bibi died of stab wounds on her wedding day. The extensive reporting of these 'honour' killings helped to make this type of VAW visible to the wider public for the first time.

In January 2003, in response to pressure from women's organizations, and following the publication of a MPS report on domestic violence (which identified 'honour' killings as an important area for future work), the MPS set up the Strategic Homicide Prevention Working Group on Honour Killings to cover the London area. A second, national group was developed to deliver a training package for all police forces in the country. In June 2004, Scotland Yard announced that it was re-examining 109 possible 'honour' killings from the period 1993-2003, many involving women from South Asian communities. Many of these cases had already been closed; one of the purposes of the initiative was to look at the motivations behind these crimes, with a view to developing risk assessment indicators and a national police database to monitor and record such cases more effectively. In June 2007, the CPS began piloting a scheme to track HBV cases as part of a wider HBV project which also involved training 25 specialist prosecutors to work in HBV hotspots in the UK as well as a system for flagging forced marriage and HBV cases (CPS, 2007.)

However, although there has been focused and determined effort in recent years, by the criminal justice system and related agencies, to "take HBV seriously", there is a general acknowledgement among those working to combat the problem that much remains to be done in improving the quality of policing in the private sphere. In 2003, the then head of the serious crime directorate and the lead senior police officer dealing with 'honour' killings, Commander Andy Baker, stated at a European seminar on the issue that the police had been unaware and ignorant of crimes that were going on, and admitted that 'honour' killings were "not on the police radar" (Baker, 2003). Four years on, it seems as though the police service still seem to lack basic knowledge and understanding of the problem, and remain unable to offer an adequate response for women experiencing this form of violence. This is certainly reflected in the way in which the MPS handled the case of Banaz Mahmood, the subject of the next section.



### **The Case of Banaz Mahmud**

This case exemplifies both the patriarchal underpinnings of HBV and the relative inadequacy of the state response to the problem. In 2005, 20 year-old Banaz Mahmud tried to escape from some of her family members, who were threatening to kill her. Her family had recently arranged her marriage to a cousin in the family clan group. Shortly after this, Banaz sought a divorce on the grounds that her husband was abusing her, but her desire to dissolve the marriage was regarded, by the senior male members of the family, as a betrayal of family “honour.”

Banaz met her lover, Rahmat Sulemani (an Iranian Kurd), at a family gathering; they fell in love and decided to elope. In Kurdish society, however, elopement (particularly with someone of a different class) is considered *haram* (‘forbidden’) (Begikhani, 2005.) Banaz’s behavior was perceived as scandalous by the family; her actions became known throughout the tight-knit Kurdish community in South West London, where it is said that “nothing is secret” (Kurdish: *hich shtek nheni*). When the family became aware of her intention to elope, Banaz’s father held a family meeting; at the insistence of her uncle it was decided that her punishment would be death.

Banaz’s case was unusual because of the extended nature of her ordeal. Her father’s first attempt on her life took place on New Year’s Eve, 2005. When her father forced her to drink alcohol, Banaz realized that she was in danger and attempted to flee the house; although she managed to break a window and escape, she could not find a safe place to evade her family, and eventually called the police. However, despite the fact that her hands were bleeding, the police treated her as though she was making a ploy for attention in the aftermath of a private family argument. The female police officer she talked to dismissed her claims as “dramatic and calculating” (Barton & Wright, 2007) (the policewoman later admitted that she had made a terrible mistake.) In fact, the police even considered charging Banaz with criminal damage, because she had broken a window in making her escape. She later recorded a telephone video message on her boyfriend’s mobile phone about the police’s refusal to help her; this message was later used in evidence against her father and uncle in their trial for her murder in January 2006. Banaz had been strangled, and her body stuffed into a suitcase and buried in a Birmingham garden.

The perpetrators in this case believed that their acts of violence against were a justified response to her “dishonourable behaviour,” which affected the ‘honour’ of the whole family; this view was supported by other family members and the Kurdish community as a whole. In their eyes, ‘honour’ depends, not upon one’s own behaviour, but upon the behavior of others. Societies in which these traditional (mis)conceptions of ‘honour’ and shame govern the behavior of members therefore sanction ‘honour’ killing, because the aberrant behavior of one woman is thought to affect the social status of everyone connected to her.

HBV is therefore a complex and multi-faceted issue, but in all cases it encompasses some sort of manifestation of VAW, and so should not be viewed as something distinct from other forms of domestic violence. Where it does differ from domestic violence, however, is in the fact that HBV can (and usually does) involve

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people other than spouses and partners: as the Banaz Mahmood case showed, HBV tends to be perpetrated not only by husbands and sexual intimates, but also by family members and members of the wider community—people who are not necessarily related to the victim by blood. Welchman & Hossain (2005) therefore emphasize the need to see HBV as a particular form of VAW; it is only by recognizing that HBV is only cosmetically dissimilar to domestic violence or other forms of violence against women that all the different manifestations of HBV can be properly seen as human rights violations.

It is worth bearing in mind that the UK movement against VAW has long argued for an overhaul of the criminal justice system's response to these crimes; activists have also called for greater emphasis on other, non-criminal justice system, interventions, such as specialist refuges and VAW outreach centres, to help women affected by HBV. At present, there is limited funding available to help women who choose to remain within their communities when faced with violence of this nature. Some scholars have argued that these women are effectively excluded from current help systems altogether (Horvath & Kelly, 2007.) If women were given multiple options and avenues to obtain help, then public services such as the police might be more effective in reaching minority women across the continuum of need, including those who return to violent relationships. Horvath & Kelly (2007) also suggest that attempts to end VAW by treating it solely as a crime (for instance, by promoting the narrow strategy of a woman's "right to exit") need to be reconsidered: what might be gained from promoting a combined criminal and non-criminal response to these crimes, and supporting women who are not always able to leave violent relationships?

The current government in the UK does not seem sufficiently concerned with providing parallel justice; instead, an over-investment in the criminal justice system is undermining strategies for responding effectively to VAW. This raises a crucial question: whether or not an over-reliance on the criminal justice system is well-suited to addressing HBV. Schneider (2000) argues for linking the general with the specific in feminist lawmaking on violence; according to Schneider (2000), responses to VAW need to take individual women's experiences into account, whilst simultaneously recognizing the ways in which VAW is connected to broader social patterns of gender subordination and inequality. However, any experience of working with minority women shows that such a goal is difficult to achieve in practice, given the structure of the criminal justice system and the institutional tendency to implement uniform policies. And where pro-arrest and pro-prosecution policies fail to deal with the specific problem (i.e. women's actual situational experiences), the criminal justice system, as an institution, fails to adequately address the general problem, which is the gendered context in which the murder and abuse of women occurs.

If criminal justice system interventions are to be seen as offering the most appropriate solution to VAW, then the value of policies that demand a uniform approach to cases must be called into question. It is also essential that the historical lack of action by police officers and criminal justice professionals is confronted, along with their failure to deal appropriately and compassionately with victims of HBV. Research has shown that women often move back and forth between public and private realms when attempting to stop the violence they are experiencing (Hester,

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Kelly, & Radford, 1995.) Banaz appealed to the authorities long before her murder. Her treatment by the investigating officers led to her being handed back to the men who killed her. Due to the fact that VAW is currently viewed as a matter of public concern, if women do not seek to remedy their problem through public means (i.e. in the manner dictated by the state), then they are accused of manipulating the system for private ends; this means that they are often denied assistance. Thus, they are forced back into the private realm, where they are susceptible to further violence.

The resolution of the high-profile case of Banaz Mahmud (as well as evidence disseminated by the CPS in 2007) shows that ‘honour’ killings are now seen by the police as serious crimes which require a policy of deterrence and, concomitantly, harsh punishment for offenders. The fact that there have been discussions about producing national guidelines, and also training for all police officers, shows that the police and CPS are now taking the issue of ‘honour’ killings increasingly seriously. Nevertheless, merely “talking the talk” is where things stand in 2009: the situation is mired in discussions about how to move forward, hindering the implementation of changes on the ground intended to make women feel safe enough to report the violence perpetrated on them by their families.

There is thus a growing sense of uncertainty whether the push towards the greater criminalization of HBV is actually a victory; there is even some doubt as to whether or not it is actually appropriate in all cases. For example, research on forced marriages carried about by leading black and minority ethnic support services for women and girls experiencing this form of gender-based violence have questioned whether criminalization alone can address the root causes of the problem. Although it is clear that the police are trying to adapt to meet the growing demands of the problem, their response to recent cases of forced marriage and ‘honour’ killing contains a myriad of competing rationales that are simultaneously both progressive and paternalistic (*see attached forced marriage paper*). Too often they either minimize the severity of the violence in their reports and responses, or implicitly blame the victim for not leaving her family. And, despite years of training initiatives, police officers do not always believe women’s stories. The issue of victim credibility was particularly evident in the Banaz Mahmud case, but it is an endemic problem that still hinders the quest for justice. Often, when police condemnation of HBV occurs, it derives from notions that South Asian women are a vulnerable group in need of protection; this belief tacitly reinforces the subordinate status of these women by promoting the view that the police need to provide legal protection, instead of personal safety, for these women.

There is a growing consensus that there is an urgent need for policing and criminal justice efforts to go beyond policy and push towards broader social change. Improving specialist long-term services for women, which are designed to respond to different types of VAW, are part of the solution. There must also be a change in what Scheppele (1992) refers to as the “habits of belief” (p. 124) which persist across the criminal justice system and result in women always being treated in the same way. For instance, Black and Minority Ethnic and Refugee (BMER) women who suffer domestic violence do not get help until they have had, on average, 17 contacts with agencies; for white women, it takes 11 contacts on average (Brittain, 2005). Only after

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these habits of belief change will the discourse on VAW in BMER communities also change; only then will the overarching quest for justice in cases of VAW contribute to, or least not undermine, the continued emancipation of women.

### **Shortcomings of Current Societal Responses to HBV in the UK**

It is difficult to be optimistic about the possibilities for a speedy elimination of HBV. Crimes of ‘honour’ are the product of long-standing cultural practices designed to control and subordinate women by whatever means necessary. While local and international activists continue to work to eradicate HBV, there is still a lot to be done. For example, current UK asylum and immigration law is often interpreted in such a way that gender-based persecution is not recognized as a legitimate reason for granting asylum (Siddique, Ismail, & Allen, 2008.) This must change. Until the problem of gender-based persecution is confronted at its source, society must ensure that its victims are granted the right to live in a safe place. Programs for the prevention of VAW cannot succeed without challenging the unequal power structures governing relationships between women and men: that is, by confronting the root cause of the problem. As UN Special Rapporteur on Violence Against Women, Yakin Erturk, has argued (2007), a gender-sensitive response must be adopted in order to end all forms of VAW. What this means is that ‘honour’-based crimes must be recognized for what they are, crimes against women, and the products of societies structured along explicitly patriarchal lines. There must be cultural sensitivity to the context in which these crimes take place, but not for the sake of even-handedness—cultural sensitivity must be there to help support agencies help and understand those women who are the victims of these crimes.

In the UK, although some positive steps have been taken to address VAW, there is an urgent need to strengthen access to specialist services, provide legal and institutional frameworks for the protection of women, combat gender-based discrimination, and tackle extreme socio-economic inequalities. Article 4(c) of the Declaration on the Elimination of Violence against Women (2008) insists that states must “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 persons.” The failure of states to exercise due diligence constitutes a violation of the human rights of women. Due diligence has consequently become a term intimately associated with women’s human rights advocacy, as well as with demands for state accountability for VAW. However, despite the frequent use of the term, neither the government nor civil society seem able to establish consensus, or even clarity, about what the standard of due diligence requires (Erturk, 2007.)

But VAW must not be approached from this one direction alone: the VAW agenda is not only about responding effectively to violence when it occurs, but also about preventing VAW from happening in the first place. Many practitioners in the sector have argued that gender inequality is not a simple consequence of the failure to implement otherwise egalitarian policies; in fact, subsuming the question of gender within the broader scope of human rights discourse ignores the particular ways in which women confront exploitation and violence as a result of their gendered, raced, and classed locations (Anthias, 2002; Brah, 2000.)

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Addressing the need for international cooperation in dealing with questions of gender justice, in the context of VAW, is essential for long-term change. Although cases like that of Banaz Mahmud receive a great deal of public and press interest, and inspire improved responses to such crimes, the most important issue is to understand why HBV occurs in the first place. Despite the historically unprecedented way in which VAW is now recognized as a key human rights issue, working to prevent violence before it starts must also be a priority (Heise, 1996; Garcia-Moreno, Jansen, Ellsberg, Heise, & Watts, 2006.) Heise (1996) argues that prevention holds powerful potential: “the most important shift the antiviolence groups could make to improve their effectiveness is to place greater emphasis on primary prevention” which requires changing “social norms and behaviors that promote violence against women” (p. 25.)

Over the last three decades, the South Asian women’s sector has observed that state engagement with minority communities, in relation to VAW, is ad hoc at best. Much of this engagement is disappointingly short-term in outlook: individuals and communities are often made to question the status quo, but are not offered help to find a workable alternative. For example, in 2005 the Attorney General, Lord Goldsmith, invited key individuals working on VAW to address the subject of ‘honour’ killings as part of a seminar, but no efforts were made to follow up on this initiative: these sorts of occurrences build hope, only for the hopeful to be demoralized.

More recently, however, there have been signs of improvement: in March 2008 the Home Affairs Select Committee (HASC) Inquiry on Domestic Violence, Forced Marriage and ‘Honour’ Based Violence identified the need for the UK Government to implement a national strategy to promote early intervention to prevent VAW, including HBV and forced marriage, and to ensure better education about VAW, especially in communities where HBV is common. The HASC Inquiry’s findings, published in June 2008, showed that significant progress has been made in tackling such violence, especially in the last few years; these findings nevertheless also reveal that the Government’s approach to all forms of VAW remains focused on criminal justice responses, at the expense of effective prevention and early intervention. Committee Chairman, Rt Hon Keith Vaz, MP (Home Office Press Release, 2008) stated that:

Domestic violence is more pervasive than many other crimes in our society and is deeply costly – both to the victims and to the economy – and yet too little is being done to prevent it. We need a shift in focus from the criminal justice system – which only a tiny proportion of all cases ever reach – towards education, prevention and early intervention. We educate our young people about the dangers of drugs or road safety but not, it seems about domestic violence and ‘honour’ based violence and forced marriage which sadly, will affect a quarter of all women in their lifetime and many men too. The Committee would like to see urgent action taken to ensure greater emphasis on prevention of this very damaging, very disruptive – and very costly – crime.

(HASC Press Release, 2008)

The heart of the issue is this: without a system of values and actions to underpin individual activities, a long-term plan for managing the process of the elimination of all forms of VAW, a pragmatic sequencing of interventions aimed at challenging the normalized acceptance of VAW, and sustainable, carefully constructed strategies, then interventions to stop the killing and abuse of women are likely to have little long-term impact.

Serious problems persist, both in law and in practice. To deter new and recurrent patterns of VAW, punishments for both men and women who perpetrate VAW must be imposed with greater consistency, severity, and celerity. The most common complications in achieving these goals stem from the facts that the justice system is fraught with bias, police are unresponsive and ineffective, and some judges appear to consider 'honour' crimes insufficiently serious to merit undertaking the complex process of extraditing offenders (Justice for Surjit Campaign, 2007.) Although a legal framework has been established to protect women from violence, the ineffectiveness of specific laws and the lack of specialist support agencies mean that women from all communities remain at risk.

Although the legal system can provide some protection to women, there must be an acknowledgment of the limits of the law: only a small proportion of perpetrators of VAW come before the courts, and only a tiny proportion of all these cases come to trial. Therefore, a system of parallel justice is essential; this should be based in the communities where the offences occur. This approach would offer a constructive way forward, avoiding a sole reliance on the formal, institutional power of the legal system. More thought should be given, in the design of preventative strategies, to the potential for informal, proactive community responses to HBV. A better understanding of the ways in which 'honour'-based communities interface with institutions would allow support agencies to confront the perpetrators more effectively and to support and protect the victims. In this way, the legal system, as argued by Lewis (2004), can be seen as just one aspect of a more comprehensive social response.

Developing a coherent national and international response to the problem of HBV is urgently needed, especially amid rising international attention to the issue. This response, however, needs to go beyond data collection and monitoring, and the development of tools for risk assessment. It also needs to involve measures and procedures that foreground resource allocation, and which are defined by a duty to provide safety and justice for vulnerable women, if it is to accomplish a shift in the way that this form of VAW is addressed. Despite the fact that the discourse on human rights claims that all rights are universal, inalienable and indivisible, in reality, political and cultural rights take precedence over economic and social rights. Activists and scholars working in the UK South Asian feminist movement have raised concerns about the lack of commitment to, and investment in, systems for delivering support services that would dramatically improve the lives of women and children subjected to VAW (Horvath & Kelly, 2006). Inequalities remain, both in terms of tackling this

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as a serious crime and promoting equality of access to justice through the appropriate allocation of resources.

HBV is a complex social crime comprising many different elements, all of which revolve around the systematic subordination of women in the communities which practiced and condone it. Both the police, and the UK government, have begun to take the issue of HBV more seriously, but their approach is still depressingly linear and unipolar, focused, as it is, on criminalization. There is no “quick fix” for this seemingly intractable problem, but one thing is clear: ‘honour’ crimes are crimes against women. Until this key element of HBV is acknowledged, there can be little hope for progress.

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**Paper 2:**

**‘Moving toward a “Multiculturalism without Culture”’: Constructing a Victim - Friendly Human Rights Approach to Forced Marriage in the UK’<sup>3</sup>**

**Abstract and outline of argument below:**

Since 1998 there has been an enormous surge in the level of public awareness in the UK of the issue of forced marriage (herein FM). Yet despite this rising awareness at least 400 cases of FM are reported to the forced-marriage unit of the Foreign and Commonwealth Office every year (Forced Marriage Unit 2008). The result has been an urgent national debate on the problem, centred on the need to determine its precise nature as well as attempts to provide viable and sustainable responses for addressing it. The UK government has taken several bold steps towards tackling these issues, promoting initiatives intended to protect the well-being of young people, whilst still respecting the integrity of their families and communities.

While acknowledging the government’s good intentions on this issue, this paper argues that their strategy for dealing with FM is deeply problematic and, moreover, that its desire to criminalise FM or to counteract it with civil penalties, is unlikely to have any real benefits as it is not victim-friendly. Instead, we argue that FM can only be properly addressed if government intervention facilitates the ability of minority women to fight for gender equality as opposed to simply being given the ‘right to exit’ from their communities. At the heart of any such intervention we argue, is the construction of a re-worked theory of ‘multiculturalism without culture’ based on the work of Ann Phillips (2007) that centres equally on gender rights, is victim- friendly, yet specific to the particular struggles of women within these communities (Gill and Mitra-Kahn, 2009). Such a ‘multiculturalism without culture’ advocated by Phillips (2007) would particularly avoid the racialised and assimilative overtones of the current community cohesion paradigm and instead be focused on reconciling gender equality with minority group identity – the two features of multiculturalism that have hitherto been framed by the State in opposition to one another, with disastrous consequences for efforts to reduce the problem of FM.

The paper is organised as follows. First, the history of FM is examined as a policy concern. In doing so, there is a critical analyse of the numerous government consultations which culminated in the introduction of the Forced Marriage Civil Protection Act (2007). Our aim is to show how each consultation document was clearly dissociated from a violence-against-women agenda, and was instead aligned with the issue of immigration, a vilification of multiculturalism, an unquestioning acceptance of the theory of community cohesion and the continual Othering of minority communities. Second, there is discussion of the discourse of multiculturalism and how gender relations are framed within it. Specifically we

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<sup>3</sup> This abstract and outline is based on the following paper on forced marriage: Gill, A., Mitra-Kahn, T. (2009) ‘Moving toward a “Multiculturalism without Culture”’: Constructing a Victim - Friendly Human Rights Approach to Forced Marriage in the UK’, in Thiara, R., Gill, A. (eds) *Violence Against South Asian Women: Issues for Policy and Practice*, London: Jessica Kingsley Publishers, (in press)

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question whether a controversial aspect of multiculturalism – the ‘right to exit’ – can be useful for women within minority groups living in a multicultural society as a viable solution for fighting gender-based violence. On this point, it is argued that the ‘right to exit’ is a fundamental aspect – and even the theoretical mainstay – of UK government policy, and one that we feel typifies the failings of a particular brand of multiculturalism which, in our view, is neither nuanced nor reflective of contemporary society. ‘Right to exit’ is a barrier for the achievement of a coherent recuperative strategy for FM; one which has its origins in an unsophisticated multicultural approach, and which leads away from the need to address FM from a violence against women or ‘victim-friendly’ perspective. Having established the case against this aspect of government policy that, it is proposed that the greatest obstacle to the creation of a new, forward-thinking, multicultural approach to FM.

The chapter concludes by suggesting measures and policy recommendations for tackling the problem in a more unified, holistic way that addresses the complexity of the debate on FM by focussing the policy debate on the rights and conditions of women victims. We propose to do this by making two fundamental arguments. First, contention is that government intervention should be theoretically underpinned by values of ‘multiculturalism without culture’. Secondly, more practically, the proposal for using re-worked human rights perspective for ameliorating FM. In adopting such a strategy, the UK government will necessarily avoid views of cultural essentialism, instead basing its strategy on the achievement of gender rights and gender equality as a necessary condition for women to wage more localized struggles (such as opposition to FM) against patriarchy in minority communities.