



Judicial Inefficacies and Legal Inconsistencies in Addressing Honour Killings: A Human Rights Analysis of Pakistan's Legal Framework

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ABSTRACT

In Pakistan, honor killings are tied to consequences, such as property disputes and other difficulties that occur after the death of the victim, as well as to shame and cultural practices. The annual growth in the honour killing justification can be traced to the faulty operation of the state's organs. The media manages to report on the crimes despite the fact that tribal councils are frequently more powerful than courts in Pakistan, where the number of recorded cases is exceptionally low because they typically involve the victim's own family. We undertook the research study to enhance awareness of honour crimes and educate the public, as well as to examine the causes of judicial injustice, the corrupt role of law enforcement, and defective legislation. We have also established that Islam condemns honour killing. Data was acquired with a supplementary technique. The issue arose about the judicial interpretation of a contentious plea, flawed legislation, human rights violations, and obligations, both national and international, notwithstanding notable amendments to criminal law post-2004. Tribal councils currently possess the authority to conduct business autonomously, owing to the comprehensive resolution of legislation, judicial interpretation, and police corruption that contributed to these issues. The flawed legislation highlighted the judges' empathy, as demonstrated by established precedents in their interpretation of provocation grounds that offenders exploit to obtain reduced sentences for egregious offences.

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1. Introduction

Honor killing is a topic of dispute worldwide that dates back thousands of years. It occurs not just in Pakistan but also in many other states that deal with it. Karo Kari is the term used locally in Pakistan. In Pakistan, killing people in the name of honour is still a regular practice, regardless of gender, but it should be mentioned that because of the male-dominated culture, women were slaughtered more frequently than men. Honor killing is committed by the victim's own family rather than by any other person, typically with the intention of bringing shame on the family's honour. Since time immemorial, society has established standards for what constitutes shame. Shame and culture are closely related since culture determines what behavior by a woman is shameful to the community (Nation, 2019). According to what was previously stated, women in Pakistan are in a very vulnerable position and do not even have access to their fundamental rights, which are guaranteed to all citizens without regard to gender by the Pakistani Constitution. The male household member is the family's primary provider, leaving women to serve only as the home's housekeeping and reproductive unit, which sternly measures the agitation of women. 6 Many verses in the Quran and even Sunnah practices have proved that Islam has also given women a proper status; the importance of life preservation is also emphasized. Preachers and people in general have a serious lack of understanding, which is to blame for the idea that Islamization is the root cause of honour killings. Even though the Sunnah

and Islam both forbid honour killings in the name of defending one's honour and have established standards for proving adultery, including the need for witnesses, etc., it is unfortunate that in Pakistan the offender continues to use adultery as a justification for the killing act despite its narrow definition and escapes punishment after committing the crime.(Shahidullah, 2012).

Due to its complicated legal system and failure for several reasons, including corruption, ignorance, etc., Pakistan, an Islamic state, is still unable to lower the rate of honour killings. However, if a case does reach the courts, the lengthy procedure makes it difficult for the victim to seek justice, and the biased interpretation of the provisions of law like the plea of provocation helps the culprits sneak out easily. As a result, there are very few reported cases in Pakistan due to the lack of trust that people have in the police, who take bribes and favors the offenders. Even after 2004, there are still several gaps in the criminal code that enable offenders to use it to their advantage while the judiciary applies a lenient interpretation, demonstrating the inadequacy of the legislation and modifications made to it.(Shahidullah, 2012). The judiciary has a responsibility to provide the victims justice. There are some fundamental human rights that are guaranteed to every person, regardless of gender, not just in Pakistan but everywhere in the world. The International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and others, which Pakistan has ratified, ensure the protection and guarantee the women with their rights. As such, it is the duty of Pakistan to uphold these international obligations.(Warraich, 2005)

2. Literature Review

The literature review for this study draws from a wide range of national and international sources, allowing for more thorough investigation. Several sources, including electronic books, printed books, domestic laws, international laws, reports, news items, settled case laws, the operations of NGO's, etc., were considered in order to compile this informational piece about honour crimes and homicides in Pakistan. Books by "Bari, Farzana Idriss Gill Sen," "F, Faqir," "Veena Meetoo & Heidi Mirza," and reports by "Human Rights Watch," etc. were read in order to gain a better understanding of the situation from various angles and to learn more about the history of honour crimes and related homicides. All of these sources demonstrated that women in Pakistan have a far lower status than men due to cultural norms established over many centuries ago that portray men as the superior gender.(Nawaz, 2020). Looking at the Islamic stance on honour killings, it became clear that Islam condemns murder in any form and upholds the value of every human life. In addition, it has established well-defined standards by which to assess allegations of adultery and determine whether or not the accuser deserves the sentence. Reports and papers, such as "Honor Killing in Pakistan: An Islamic Perspective," were considered alongside Quranic verses and Sunnah traditions. While precedents like "Muhammad Zaman v. The State," "Muhammad Ameer v. The State," etc., as well as reports, articles, books, etc., were studied to discuss the legal landscape and the honour crime rate in Pakistan and the legal organs, i.e. the police, the judiciary, and the legislature, their flaws and failures, it was found that the police were corrupt and bribed for less reported cases and that laws were flawed due to In a similar vein, the annual honour killing rate rises when the law is interpreted too leniently in response to a plea of provocation.(Muhammad Niaz, 2012). Many laws, books, and reports were read and analysed in depth to learn about human rights and victim protection in Pakistan, including the "Constitution of Pakistan 1973," "The Criminal Law (Amendment) Act 2004," "Protection of Women (Criminal Laws Amendment) Act, 2006," "Anti-Honor Killings Laws (Amendment) Act, 2014," etc. Also, with regards to worldwide duties, the "ICCPR", "UDHR", "CEDAW", etc. Despite the fact that Pakistan has ratified international obligations and adopted a constitution guaranteeing basic liberties for its citizens, such as the right to marry the person of one's choice, the right to life, liberty, and the pursuit of happiness, the right to freedom from torture, and the right to an education, among other things, are still being violated at an alarming rate. With education campaigns using a variety of platforms in Pakistan, this can be avoided using current resources.(Cheema, 2008)

3. Research Methodology

For the purpose of this study, a qualitative research approach will be utilized to collect data from primary and secondary sources, such as case studies, interviews with subject matter experts, and legal documents. The secondary data will be gathered through an analysis of the current literature, which will consist of scholarly journals, books, and reports that are connected

to the subject matter. A method known as content analysis will be utilized in order to conduct a thematic analysis on the secondary sources. Both the research questions and the information that was gathered will be used to develop the themes. In order to detect patterns, similarities, and differences, the data will need to be coded and categorized before the analysis can begin. This analysis is able to be more comprehensive as a result of the study's use of a wide variety of sources from both the United States and other countries. This informational article regarding honour crimes and homicides in Pakistan was compiled after taking into consideration a variety of sources, such as electronic books, printed books, domestic laws, international laws, reports, news items, settled case laws, the operations of NGO's, etc. The results of this research will shed light on the factors that contribute to the perpetuation of honor-based murders in Pakistan as well as the shortcomings of the country's legal and judicial institutions in addressing this problem.

3.1. Objective of Study

The study's overarching argument is that honor killings are a serious violation of human rights, especially the rights of women, and are frequently committed without repercussions in Pakistan. The study's ultimate objective is to learn more about the social and cultural elements that contribute to the prevalence of honor killings in Pakistan and also examine Pakistan's current judicial system and evaluate how well it addresses and prevents honor killings. The study will reveal loopholes in the law and propose modifications that might fortify it, with a focus on how the Pakistani legal system has responded to the problem of honor killings. It will examine the difficulties experienced by law enforcement and prosecutors in honor killing cases and evaluate the efficacy of current legal recourse for victims.

3.2. The Position of Women in Pakistan

In Pakistan, husbands are responsible for regulating and restricting their wives' and daughters' movements and activities to protect the family's reputation. A gendered society divides people into male breadwinners and female housekeepers and reproducers. Thus, our society becomes increasingly skewed and unequal. Many women do not know what their basic human rights are, let alone their legal rights, and even fewer know how to exercise their rights. Some women in the countryside labour on farms, but their efforts are rarely recognized or rewarded. Nonetheless, even in metropolitan areas, women in Pakistan endure severe restrictions that lower her social standing. Because of this, girls have little choice but to rely on the men, who limit their autonomy and fortify the foggy culture. (Ali, 2001)

3.3. Killing For Honor in the Sight of the Quran and Sunnah

As stated in Surah Noor Verse 93, Islam does not support the killing of an individual for honour. However, with regard to adultery, the Quran outlines some criteria in Surah An-Nisa Verse 34 that also do not support the honour killing. Nonetheless, Islam defends and upholds the rights of women, as seen in the case of *Gui Muhammad v. State (PLD 2012 Bal 22)*, which was heard in accordance with Surah Noor Verse 4. (Muhammad Niaz, 2012)

"Islam has provided rights and safeguards for women, protecting them from injustice."

Whereas it is apparent from the events that took place during the Prophet's (PBUH) lifetime that Islam does not condone the crime of honour killing under any circumstances, Hilal bin Umaiya accused his wife of adultery with Sharik bin Sahma. To avoid punishment, the Prophet (PBUH) demanded he show proof (in the form of lashes on his back). So, Hilal bin Umaiya answered, *"O Allah's Apostle! If anyone saw his wife with another man, would he go search for proof?"* Once again, the Prophet (PBUH) demanded proof, threatening punishment if he did not provide it. After then, the Prophet cited Lian's narration (as in the Holy Book). (Surah Nur:24). It is well acknowledged that honour killing is never sanctioned by Islam. (Wasti, 2008)

3.4. Judicial Perspectives on the Problem of Honor Killing

It is important to note that honour killing in Pakistan falls into two distinct categories: those that are appropriately administered under the courts, and those that are administered through the traditional Jirga system, before examining the judicial approach. Even after some fair precedents have been created, the judicial system is seen as weak and lenient when investigating cases of honour killing, and is often seen as supporting foggy culture and gender discrimination. The judicial system shares the same thinking as traditional culture, viewing honour killing as a social crime rather than a legal one. (Idriss, 2010). It is obvious that the organisation and formation of tribal council are not based on any religious or legal principles, and

that the decisions made by the two tribal leaders in most honour killing instances are completely skewed and in favour of certain groups. The traditional customary norms and laws that are still implemented and reflect the beliefs of traditional communities provide tribal courts their authority and influence in the face of an unstable administration and an absence of the rule of law. Like the feudal era, the multiplex judicial system is rife with patriarchy; in the Jirga system, women are routinely silenced. Despite this, many people prefer and pursue the Jirga system over the legal courts because they see it as more expedient and accessible. (Merry, 2006)

3.5. Domestic Law and International Responsibilities Regarding Honor-Based Killings

The majority of women in Pakistan, regardless of their social level or caste, are denied their rights to property, wrongful killing, safeguards against any form of injury, and freedom of choice. This is despite the protection of legal and fundamental rights entrenched in the Constitution. As the supreme law of the land, the Constitution lays forth the foundational ideas upon which the state is based, and Article 2 of Pakistan's Constitution of 1973 lays out these values in detail. (Chinkin, 2022).

The study will primarily concentrate on the laws that are relevant to the social ill of honour killing. After international ratification, discrimination in Pakistan on the grounds of religion, race, gender, etc. is illegal. The state has an obligation to defend and support the Basic Human Rights of all its citizens. (Merry, 2006) Some of the domestic and international obligations are enlisted below;

1. Constitution of Pakistan 1973
2. Protection of Women (Criminal Laws Amendment) Act, 2006
3. Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014
4. Qisas and Diyat Act 1997
5. Pakistan Penal Code 1860
6. The Criminal Law (Amendment) Act 2004.
7. ICCPR
8. UDHR
9. ICESCR and
10. CEDAW etc.

The aforementioned and more laws in Pakistan were enacted to guarantee women's rights, including equal rights, freedom of choice, and protection from death for disgrace, among other things.

3.6. Honour Crimes Cases in Pakistan

The Human Rights Commission of Pakistan (HRCP) reports that many honour crimes have been committed in Pakistan over the past many decades. The list that follows gives a case of those figures: ((HRCP), 2023)

Table 1: Honor Killing Cases

Time Frame	Total Homicides	Female (Victims)	Male (Victims)	Key Regions	Critiques/ Remarks	Legal Feedback
2014 - 2018	~ 4,779	~ 4,077	~ 702	Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan	There was a continued prevalence of honour killings, particularly those that targeted women for refusing to enter into arranged marriages or for other forms of "disobedience." Both Punjab and Sindh were reported to have the largest number of cases. These	- The <i>Qisas and Diyat Laws</i> made it possible for families to forgive one another or reach a compromise, which frequently permitted criminals to avoid being punished. - This legal gap was addressed by the Honour Killing Act of 2016, which eliminated the possibility of family members to forgive those who had committed the crime. - In the year 2016, the enforcement of the Act encountered

					activities are still supported by cultural norms in rural areas throughout the world.	challenges as a result of societal norms and the pressure exerted by local tribal legal structures (jirgas).
2019	~	~	~	Punjab,	The	-
- 2023	4,011+	3,268+	743+	Sindh, Khyber Pakhtunkhwa, Balochistan	number of documented cases has decreased slightly, but the number of honour killings has not decreased. As a result of the COVID-19 pandemic, domestic assault became more severe, and several honour killings were misidentified as suicide efforts.	There was a widespread absence of prosecution under Article 311 of the Honour Killing Act of 2016, which criminalises honour killings despite the option of repentance. This was the case despite the fact that the Act has been in effect since 2016.
						- The culprit was frequently able to avoid sentencing because informal tribal settlements, known as jirgas, persisted to resolve the situation.
						- Numerous cases were misreported or underreported, and a significant number of them were categorized as either accidents or suicides.

It is crucial to note that these numbers likely do not fully reflect the full scope of the problem because many honour crimes in Pakistan go unnoticed or are hushed up by families and communities.

3.7. The Pakistani Legal Landscape

There has been a definite rise in the number of honour crimes committed in Pakistan, where perpetrators are well aware that they may not be brought to justice for their actions due to a lack of investigative independence, and where authorities are usually complicit in this. The nature of these crimes makes it clear that the perpetrators are motivated by a desire to boost their false sense of self-worth in the eyes of the public and to have institutes or tribal "councils protect the culprit by not convicting them or by settling convictions with leniency is settled."

Lawsuits of this nature face an unfavorable legal environment in Pakistan. As in the instance of rape, when the victim must show the forcibility of sexual contact without her consent or face the repercussions of adultery, women are subjected to a great deal of pressure and persecution. Unfortunately, this highlights the fact that Pakistan's judicial and police officers lack a sense of justice and adequate training. Only when victims and their families have faith in the legal process for pursuing justice according to the law will such crimes be reported on a regular basis, including honour crimes. Just as fundamental understanding of rights and swift justice can play crucial roles in such horrible crimes, so too can the ease with which one can approach the judiciary. Both organizations are vital to Pakistani society and should be doing everything they can to reduce honor-based violence and the reliance of victims and their families on it. (Hussain, 2006)

3.8. Honour Killings-Reasons of Judicial Failure

The judiciary's duties include both ensuring that victims receive fair treatment and that the law is fairly applied. The failure of the judiciary to stem the rising tide of honour crimes and honour killings in Pakistan can be attributed to a number of factors. These include the establishment of precedents that allow for lenient interpretation by lower and higher courts alike and, in some cases, even the perpetrators themselves (through, for example, a plea of provocation). The Supreme Court has, in some cases, established criteria for allowing the defence of provocation, but it has also upheld the legality of killing in the name of Ghairat. The analysis

of case legislation and the registered and reported cases that will be reviewed below provide a detailed look at judicial failure. (Iqbal, 2007)

3.9. Supreme Court

The Supreme Court of Pakistan has laid down numerous precedents discussing the plea of provocation. In the case in 2004, Justice Muhammad Nawaz Abbasi held;

"The commission of an offence due to ghairat or family honour must be differentiated from the grave and sudden provocation in consequence to which crime is committed in the light of facts and circumstances of each case." (PLD, 2006)

A premeditated crime eliminates any possibility of using this defence. In some instances, however, the law mandates that the superior court set forth specific requirements for such a plea, including

"The accused was deprived of the capability of self-control or was swayed away by circumstances immediately preceding the act of murder or there was an immediate cause leading to grave provocation, may be allowed a mitigation in his sentence". (PLD, 2009)

After reviewing these and other case laws, it is clear that the highest court in the land accepts pleas of provocation as a means of mitigating a criminal's penalty. So, the upper court will accept such a plea in situations of honour if it can be shown that the perpetrator's honour was harmed by the victim's actions; similarly, Justice Jillani in the case has relied on one of the rulings that clearly indicates when such a plea can be taken by the perpetrator;

"Finding his wife in the act of adultery, kills her or her paramour and the law has always regarded that although an intentional act as amounting only to manslaughter by reason of the provocation received." ("Lord Goddard in *Kumarasinghe Don John Perera (1935) A.C. 200,*") ("Lord Goddard in *Kumarasinghe Don John Perera (1935) A.C. 200,*")

3.10. High Court

No cases of honour crimes have been reported to the High Court since 2004, while the Khyber Pakhtunkhwa courts have a more traditional stance on the issue of honour killings. In 2009, the Peshawar High Court heard the case of a man who had been hanged and buried before the police could confirm that he had been strung up under duress but it was held;

"There is a possibility of this having been a forced honour suicide." ("*Umar Zahid vs. The State, 2009 MLD 4, Peshawar,*") ("*Umar Zahid vs. The State, 2009 MLD 4, Peshawar,*")

So, the culprit was released on the ground of technicalities of the law. Such attitude clarifies the biasness of the court which favours the culprit.

The Punjab region and the Lahore High Court have declared contradictory judgments on the honor killing crime in the case it was held;

"An accused could not prove his pleas of 'ghairat ', - 'self-defense' and: sudden provocation as said pleas appeared to be an afterthought story." ("*The State v. Muhammad Sarwar, 2007 YLR 74,*") ("*The State v. Muhammad Sarwar, 2007 YLR 74,*")

On the other hand in 2009 Justice Tariq Shamim held;

"Ghairat has been omitted from being considered as mitigating circumstance for awarding a lesser sentence." ("*Namal Shah v. The State, 2009 P Cr. L J 547* ") ("*Namal Shah v. The State, 2009 P Cr. L J 547* ")

Similarly, sudden and grave provocation is also the ground favored by the Lahore High Court in the cases of honours so and in 2008 case it was held;

"Killing over question of family honour on provocation has been accepted as an extenuating ground for grant of lesser punishment." ("Muhammad Imran V. The State, 2008 YLR 1290 ") ("Muhammad Imran V. The State, 2008 YLR 1290 ")

The Sindh High Court played the vital role against the illogical and improper honour-killings and crimes but there are lesser cases reported before the court of law. Justice Shahid Anwar Bajwa held in the case Daimuddin and others vs. The State;

"Karo Kari is crime which is a blot not only on the fair name of Sindh. It has in the comity of nations, always sullied Pakistan and Muslim Society as a whole." ("Daimuddin and others vs. The State, 2010 MLD 1089, Karachi,") ("Daimuddin and others vs. The State, 2010 MLD 1089, Karachi,")

The entire victim's family participated in the aforesaid murder just because the woman had married of her own free choosing. The court took note of the plot, denied bail to the conspirators, and took a stance against what has become an accepted form of criminality in the guise of honour. (Hussain, 2006)

4. Analysis on The Failure of Judiciary on The Reported Cases

According to the aforementioned cases, laws and the provocation either sudden or grave are recognized as cause to justify killing and for leniency in the conviction still in Pakistan. The highest court in Pakistan, known as the Supreme Court, considers and allows the plea of provocation as a ground of defense for the perpetrator depending on the particulars of each case, which can result in a biased and conventional interpretation. Certain judgements of the superior judiciary have not taken the defense of provocation but clearly state Ghairat as the justification of killing. While the Supreme Court has established criteria to be met before the plea of provocation can be accepted as a defense, these judgements do not necessarily endorse killing in the name of honour. The enormous number of judgements handed down by the Lahore High Court shows that lower courts generally follow the same interpretations of laws as the higher courts do once these kinds of precedents are created by the upper judiciary. (Cheema, 2008). The Sindh High Court deserves praise for the innovation and progress it has shown by setting its illustrative precedents and statements; on the other hand, the Court's biggest challenge is the declining rate at which cases are brought before it; whether or not the Court can maintain this momentum remains to be seen. Balochistan and Khyber Pakhtunkhwa, two provinces in Pakistan where honour killings are still a problem despite receiving less media attention, present the most frightening and dangerous picture. A key challenge in these provinces is the tribal council and the social acceptability of such acts, both of which must be addressed by education or the appropriate implementation of legislation.

4.1. International and Domestic Laws-Honor Killing Prevention

4.1.1. The Criminal Law (Amendment) Act 2004

Honor killings have been unlawful since the introduction of the Criminal Law (Amendment) Act 2004 (often known as the "Honor Killings Law"), which was designed particularly to address this issue. Following numerous revisions to the Pakistan Penal Code 1860 (PPC) and the Code of Criminal Procedure 1898 (Cr.P.C.), including the inclusion of a definition of qatl-i-amd (honor killing) in the PPC, this law finally went into effect in 2002, when Sections 299, 302, 305, 308, 310, 311 and 316, as well as others, of the PPC 1860 were updated. (Amendment, 2004) The sentence for murder committed in the name of honor has been increased from 14 to 25 years, the word "honor" has been added to the definition of qatl-e-amd, and Qisas as a punishment for such murders has been abolished. In addition, the woman who gave it as compensation for saving herself from the consequences of the crime committed has been declared illegal. Additionally, the provincial government no longer has the authority to suspend or remit penalties related to honor crimes, and the Criminal Procedure Act of 1898 has been amended to reflect this change in procedure. (Shahidullah, 2012)

4.1.2. Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014

Women's honour killings in Pakistan were at least 705 in 2012, 557 in 2011, and so on, according to statistics collected by the Aurat Foundation, proving that there are flaws in the system that necessitated the introduction of the Anti-Honor Killings Laws (Criminal Laws Amendment) Act, 2014. Together with the Qatl-e-amd, the word "honour" was added to PPC 1860 sections 309, 310, 311, 338(e), 345, and schedule 2. The loopholes make it nearly impossible to bring successful prosecutions in cases of honour killings. Without the court's

attentiveness and activism, it will be difficult to achieve many convictions for honour killings under this law because of all the loopholes. ("Anti-Honour Killings Laws (Criminal Laws Amendment) Act," 2014)

4.1.3. Protection of Women (Criminal Laws Amendment) Act, 2006

The Protection of Women (Criminal Laws Amendment) Act, 2006, which grew out of the Women's Protection Bill, was passed to protect women from being subjected to abusive or misapplied laws and to reduce the number of crimes and offences committed against women on account of honour crimes like adultery and other similar transgressions. Sections 365B, 367A, 371A, 371B, 493A, and 496A of the Penal Code of 1860 were added to include crimes from sections 11-16 of the Offence of Zina in the Hudud Ordinance 1979, including those involving rape, abduction, selling, fornication, Zina, etc., while sections 12 and 13 of the Offense of Qazaf were removed. To prevent abuse of the law-by-law officers or police officials and to promote a just atmosphere and gender equality in terms of legal and fundamental human rights, these changes were made to ensure that Islamic principles are used when penalizing under Zina and Qazaf. ("Protection of Women (Criminal Laws Amendment) Act, 2006,") ("Protection of Women (Criminal Laws Amendment) Act, 2006,")

4.1.4. The Law of Qisas and Diyat Act 1997

The Qisas and Diyat Ordinance of 1990 was replaced by the Qisas and Diyat Act 1997, which was enacted as part of the Criminal Law Act 1997. Based on Islamic teachings, it was set up as a way to deal with the fallout from murder without resorting to hiding behind the walls of honour. Victims, if they were still alive, or their heirs were given a variety of options for making amends for the crime, including Qisas, Diyat, compromise, total forgiveness, and retribution. The portions of the code that allowed for honour killing to be considered murder in response to extreme and unexpected provocation have been revoked. (Amendments, 1997)

4.1.5. Pakistan Penal Code 1860

Pakistan After adding honour killing to the PPC 1860, the court still has a contradictory view when enforcing such sections as Qisas (302(a) of PPC) and Tazir (302(b) of PPC) when the perpetrator is liable under Qisas (Section 302(a) of PPC), and if the Wali and the victim waive the charge under Section 311 of PPC 1860. (Amendments, 2022)

4.1.6. Domestic Human Rights Laws

The primary law, or Islamic Republic of Pakistan's 1973 Constitution, is the principal piece of legislation in Pakistan that guarantees fundamental human rights to all citizens without regard to gender. The citizens' fundamental rights, such as equality before the law, the right to life and liberty, freedom of association, expression, and religion, are provided for and secured in Chapter 1, Part II. No person will be deprived of life, according to Article 9 of the Constitution of Pakistan, which was adopted in 1973. This clearly opposes honour killings in Pakistan because Article 14 protects human dignity and Article 25 forbids gender discrimination, with special protections being made for women. Article 37 ensures the promotion of social justice and the eradication of social evil. In essence, the Constitution is the body of law that protects and upholds the rights of Pakistani citizens in order to fight all forms of crime and to educate people about the fundamental rights that the government upholds. (Pakeeza, 2015)

4.1.7. International Human Rights Laws

The Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination are just a few of the international agreements that Pakistan has signed as a state that protects and promotes the fundamental rights of its citizens regardless of their gender, religion, or other characteristics. The right to life is guaranteed by Article 6 of the ICCPR, which expressly forbids crimes of honour killing. Free will marriage is also protected by Article 23 of the Covenant, which is one of the factors contributing to honour crimes in Pakistan, and the same is protected by Article 20 of the ICCPR. Similar to CEDAW, honour killing for whatever cause is obviously a violation of the terms of the international agreements which the state is required to uphold. This includes equal rights in economic, social, political, or personal lives such as marriage of one's own choice like Islam advocates. (Daniel Moeckli, 2014)

4.2. Prevention against Honor Killing and Protection of Victims

Keeping victims safe from honour crimes and honour killings is Pakistan's top priority. This marks the beginning of institutionalized tribal policing and progress towards Pakistan's judicial system. Most Pakistanis rely on the Jirga system for quick and favorable choices, yet this makes it extremely difficult to exert control over tribal councils and their conclusions. Due to misunderstandings and a general lack of familiarity with the law and Islamic beliefs, such a system has developed a degree of independence. Hence, such councils make their own rules based on their preference towards a specific tribe or person, and they even go as far as penalizing the individual under laws that cannot even exist in Pakistan, and the state is unable to prevent such violations of human rights. When police personnel in Pakistan harass the women victims, many incidents go unreported, the police are just as much of a hindrance to developing a just system for women as the tribal councils. In cases of forcible rape, such as when an individual fears being tried for adultery, the legal system does not side with the victim. By raising public awareness and encouraging people to think critically about the issue, we can reduce the prevalence of these crimes and better protect their victims. In a similar vein, police officers and tribal councils can learn from educational seminars, workshops, or conferences how to prevent and deal with such crimes. Victims should also be informed of the services, relief, and legal representation that the state provides in specific cases.

5. Conclusion and Recommendations

Honor crimes and honour killings, which are dealt with in a multitude of states, are the most hotly contested of the universal issues. Not only do governments have to cope with problems like a lack of information and improper or defective legislation, but there is also an urgent need for social reform. There is a common misconception that honour crimes only affect women. Yet, men can also be victims of this pervasive problem. There are many foundations upon which the concept of honour rests; nevertheless, the primary causes of honour killings are cultural norms and the humiliation associated with the offender or their family. The offender shames the victim's family in front of society for violating cultural norms in order to cleanse themselves of the guilt they feel they've earned as a result of their victim. If a man is brought up in a society where his or her reputation is everything, he will naturally take on the role of guardian of the family honour. The majority of women who are killed for "honour" do so because their families are under intense social pressure to do so. The desire to marry someone of one's own choosing, concerns about property, the desire to dress in a western manner, the pursuit of higher education or divorce are all additional motivating factors. Despite the fact that Islam does not condone it, all of these things contribute to the widespread practice of killing women in honour cases, most commonly for the crime of adultery (Karo Kari, Siyah Kari, etc.).

Pakistan is an Islamic country that bases its laws and policies on Islamic teachings, hence its citizens feel immense pressure to defend Islamic traditions. The misinterpretation of the Quran and Sunnah by Islamic apologists has led many Islamic regimes to falsely conclude that Islam condones honour killing. Taking the law into one's own hands is forbidden, as evidenced by the countless precedents set by Pakistani courts and the Quranic passages and Sunnah practices that have previously been cited in this thesis, which all establish that honour killing is a forbidden and un-Islamic conduct. Judiciary, law-implanting institutions, and legislators play critical roles as the backbone of every state in the world. The failure to prevent and protect victims of honour crimes is illustrated by the fact that fewer cases are reported in countries like Pakistan, where similar organs are not functioning effectively. Neither the victim nor his or her loved ones can have faith in Pakistan's first charity, the Police Institute, widely considered the country's most corrupt organization. They take bribes to intimidate the victim out of the law, and if the honour case goes to court, the long and exhausting process and judicial failure due to hiring less informed officers eventually lead to the case being withdrawn and a lenient interpretation of the law in the form of a plea of provocation, which the perpetrator avers. Whether they are in a major city or a small village, few Pakistanis are aware of the constitutional protections given to them.

The Constitution of Pakistan, ratified in 1973, is the primary law protecting the civil and political liberties of all Pakistanis, regardless of their gender or religious affiliation. Pakistan has also ratified a number of international agreements, including those that pertain to human rights and women's protection, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Many domestic laws have been passed by the legislature in an effort to protect women and prevent crimes against them, including the Anti-Honor Killings Laws (Criminal Laws Amendment) Act, 2014, the Criminal Law (Amendment) Act of 2004, and the

Protection of Women (Criminal Laws Amendment) Act of 2006. Many of these laws, in addition to others and international commitments, were ineffective in Pakistan for a variety of reasons, including a lack of education, a stubborn adherence to traditional values, and so on, which bolstered the support of the tribal councils. The expediency and inherent bias of these committees make them more appealing to individuals than the traditional legal system. The most critical work to be done is a slow process of altering the collective consciousness.

In order to prevent such crimes and protect victims, communities need to be educated and assisted in forming a new perspective on them. In a similar vein, police officers and tribal councils can learn from educational seminars, workshops, or conferences how to prevent and deal with such crimes. In addition, victims should be informed of the services, aid, and legal representation that the state provides in particular areas of the law.

Now, taking into account Quranic verses, judicial interpretation, international conventions, and existing law, the following proposals are being made to amend the law on "honour killing" and enforce general criminal law in order to curb the aforementioned heinous crime, ensuring that the rights of every individual, male or female, are protected as guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973;

1. In an offence committed under the guise of "Honour," a severe or unexpected provocation shall not be taken into consideration in light of the mitigating circumstances.
2. Alternatively, as most honour killings involve a husband or father murdering a wife or daughter, or a brother murdering a sister, the crime of honour killing should be treated as a tazir (crime against the state) and removed from the purview of qisas. In the event of a sibling murder, the father assumes the role of wali, and the offence is either expunged or compounded according to Section 309 or Section 310 of the Pakistan Penal Code, as is the procedure in Pakistan.
3. Publicity should be given to accurate and true Islamic teachings based on the Quran and the Prophet Muhammad's (SAW) sayings.
4. Accepting and promoting the Islamic right to marriage for adults can help reduce the prevalence of illicit liaisons between adults.

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