

DOMESTIC VIOLENCE AND HONOUR BASED KILLING

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Abstract

Women constitute the most numerous group of the world's population exposed to systematic and persistent violence. The causes are complex, but eventually point to the simple fact that for many, a woman's life and dignity are worth less than a man's. Violence against women in its various forms is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms. It is a serious obstacle to equality between women and men and perpetuates inequality. For many women and girls, home is a place of violence. Domestic violence (or 'intimate partner violence') constitutes the most common form of violence against women worldwide. It is the largest cause of morbidity worldwide in women aged 19–44, greater than war, cancer or motor vehicle accidents.

Domestic violence may be related to a so-called traditional practice of 'honour' killing. Honour killings should be considered within the broad spectrum of domestic violence, rather than as a separate issue. Honour killing is a practice whereby male members kill a female relative who is perceived as having damaged family honour. Her death restores the honour of the family. Honour killing can be seen as one of a range of violent and non-violent manifestations of woman's commodification in patriarchal, honour-based societies. Honour killing violates the right to life of the individual victim, a right which is regarded as the most fundamental of all rights. Domestic violence against women remains hidden in the culture of silence. A lack of standardised data and under-reporting make it difficult to make an accurate assessment of the numbers of individuals experiencing domestic violence. Only a tiny proportion of victims ever come into contact with statutory authorities, particularly criminal justice agencies, making measurement of the scale of abuse even more complex. It is really a challenging task for the civil society, government and the judiciary to transform the socio-cultural psyche of the people who are much more possessive and committed to their ethno-community based sociocultural patterns in comparison to the society, state and the law.

The key strategies in eradicating domestic violence against women are prevention, protection and empowerment. Each approach must involve women and men, civil society and government, and should have local, national and international dimensions. Early intervention is also vital in tackling domestic and so-called "honour"-based violence. There is need to break the silence and ensure that violence against women is not just a woman's issue but primarily a political, social, economic and cultural issue that concerns men as well.

Introduction

Empowerment of women in India is faced with the challenge of ‘violence against women’. Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination and discrimination against women by men and to the prevention of the full advancement of women (Unicef 2000). It is one of the most pervasive of human rights violation, denying women and girl’s equality and security. Women become more vulnerable and insecure in the society. Women are devalued, subordinated and mistreated in daily life. Efforts towards empowering women are seriously hampered by issues of violence against women. In a patriarchal society like India, a woman’s body is objectified and is seen as an object on which violence can be inflicted. The root of this problem runs deep in to every institution of society which actively participates in the process of socialisation, starting from family (Devadoss and Sudha, 2013).

For many women and girls, home is a place of violence. Domestic violence (or ‘intimate partner violence’) constitutes the most common form of violence against women worldwide, without regional exception. Unfortunately, violence committed against women within the family is still largely treated as a private matter, rather than an urgent political and public problem and a violation of human rights.

Domestic violence may be related to a so-called traditional practice of ‘honour’ killing. Honour killings should be considered within the broad spectrum of domestic violence, rather than as a separate issue. Honour killing is a practice whereby male members kill a female relative who is perceived as having damaged family honour. Her death restores the honour of the family. Honour killing can be seen as one of a range of violent and non-violent manifestations of woman’s commodification in patriarchal, honour-based societies. Honour killing violates the right to life of the individual victim, a right which is regarded as the most fundamental of all rights.

The term ‘honour killing’ is often used interchangeably with ‘honour crimes’ and honour-based violence’. Honour killing is “an ancient practice in which men kill female relatives in the name of family ‘honour” (Tripathi and Yadav, 2004). Human Rights Watch (2001, quoted in Ballard, 2011) provides a more detailed definition:

Honour crimes are acts of violence, usually murder, committed by male family members against female family members, who are held to have brought dishonour upon the family. The mere perception that a woman has behaved in a way that ‘dishonours’ her family, is sufficient to trigger an attack on her life.

Causes triggering honour-based violence

The violations of ‘honour’ that may trigger violence are wide-ranging, including refusing to enter into an arranged marriage or seeking divorce from an abusive husband (Human Rights Watch, 2011); perpetrators in honour killings in Canada have identified different honour violations as their key motivation including staying out late, wearing makeup, wearing ‘Western’ clothes, wanting to leave an abusive husband, refusing an arranged marriage, dating, and socializing with someone outside the community (Papp, 2010).

According to Schliesmann (2012), inappropriate behaviour (triggering honour-based violence) can be anything from the manner of dress, association with friends and boyfriends outside of the

family and social group, defiance and disobedience, adultery and even rape, and need only be suspected by male family members to prompt action.

Thus, “the concept of honour can be very broad and inclusive, containing an entire codex of concepts and behaviours” (Gill, 2006). Jiwani and Hoodfar (2012) explain, the victims of honour killings “are women pegged as having deviated from the moral code and thus undermined the family’s honour; by killing them, family reputation and honour may be restored”. Thus, close relatives commit honour violence to cleanse the family’s name and reputation (Keeping, 2012; Meeto & Mirza, 2007).

If a man refuses to punish a female relative, he risks losing his own social position and may be labelled as weak and unmanly by other men in the community. This is a further disgrace that represents a severe wound to a man’s pride (Araji, 2000; Schliesmann, 2012). Tripathi and Yadav (2004) argue “Under whatever name, honour crimes against women are committed worldwide. They occur whenever a man regards a woman as his property and seeks to uphold this false assumption by cruel and abusive force”. The fact that when women challenge “honour-related violence and other forms of gender-related abuse” this often places them in an even vulnerable situation where their human rights are further violated” (Gill, 2006).

The structure of honour, in the cases of the murders of females by their own family members arises from ideas that the reputation and social standing of an individual, a family or a community is based on the behaviour and morality of its female members. Like other types of honour, this concept does not exist in a vacuum but rather as a central part of a complex social structure which governs relationships between different families, genders and social units within a given society (James and Salam, 2008).

Human Rights Watch describes that honour based violence, including honour killings, are committed by male family members against female family members, who are supposed to have made the family embarrassed through establishing pre-marital, extra-marital intimate relationships. There can be variety of reasons. Major among them are denial of the woman to marry the man of the family’s choice, resistant to marry the man of her own choice, committing adultery. The mere perception that a woman has behaved in a specific way to “dishonor” her family is sufficient to trigger an attack (Human Rights Watch, 2004).

Amnesty International observes that “honour killing of a woman by a male relative is not an individual act of violence, but one which is collective, planned, sociologically predictable, and socially approved by both men and women in the family and community concerned”(Amnesty International, 2011; Deol, 2014).

It is an evident fact that honour based violence including honour killings own socio-cultural acceptance in all those communities where these are frequently practiced. In India, honour killings majorly occur in strongly patriarchal societies often referred to as ‘honour-based’ societies i.e. *jatsikhs* of Punjab, *Jats* of Haryana and *Rajputs* of Rajasthan. In traditional patriarchal societies inheritance is patrilineal. Moreover, the family or kin group, and not the individual, is the basic social, economic and political unit. Therefore, in all such types of societies, the role of community members, community elders and particularly the community councils (such as *Khap Panchayats* in Haryana) can be observed as patronising the honour killings and protecting the killers. These traditional patriarchal societies surprisingly denounce the role of state and the law to prevent honour killings by considering it as an unacceptable interference into their socio-cultural values and familial patterns (Kular, 2013; Deol 2014).

Prevention of Domestic Violence and Honour based killings

The three key strategies in eradicating violence against women are prevention, protection and empowerment. Domestic violence against women remains hidden in the culture of silence. A lack of standardised data and under-reporting make it difficult to make an accurate assessment of the numbers of individuals experiencing domestic violence. Only a tiny proportion of victims ever come into contact with statutory authorities, particularly criminal justice agencies, making measurement of the scale of abuse even more complex.

Constitutional and Legislative Provisions in India

Honour killings are violations of Articles 14, 15 (1) and (3), 17, 18, 19 and 21 of the Constitution of India. The Article 21 under the chapter of Fundamental Rights of the Indian Constitution guarantees the Right to Life and Liberty to all persons. Through various relevant judgments of the Supreme Court of India, the existing provisions in constitution are sufficient to protect various human rights including the right to life. The landmark judgments interpreting the rights to life conclude that the right to life means the right to live with dignity and it also includes the right to livelihood, right to education and right to health and so on. Honour Killings are considered as brutal crimes of homicide under the IPC (Indian Penal Code). Section 299 and 301 of the IPC, deals with culpable homicide not amounting to murder while Section 300, deals with murder. Honour killing amounts to homicide and murder because the acts are done with the intention of murdering the victims as they have purportedly brought dishonour upon the family. The perpetrators can be punished as per Section 302 of the IPC. The members of the family as well as community can also be prosecuted under Section 302 of IPC for instigating suicide those who transgress the so called norms of the community (Deol, 2014).

Suggestions

Laws pertaining to protection of women rights and prevention of domestic violence should be made more strict and enforced without any loopholes (Devadoss and Sudha, 2013). Whilst laws have been framed to criminalise physical and sexual abuse by an intimate partner, there must be a stronger commitment to implement these laws. In a number of countries, murder is not prosecuted or not punished when it is perceived as ‘honour killing’. Proper laws are essential, as is their proper implementation and monitoring.

At the national level, programmes to stop violence and advance women’s equality also require allocation of proper budgets. It is essential that the state ensure hotlines, crisis-centres and shelters for women experiencing domestic violence and their children. Specialist services must be in place to intervene and protect children who are at risk of violence within the family.

The reasons leading towards honour killing should be addressed immediately. As the root cause of honour killing in India is due to caste system, efforts must be made to abolish caste system and those who go for inter caste marriage should be protected by law. Alcoholism also plays a crucial role in perpetrating domestic violence against women as it has an influence on almost all other attributes. Therefore efforts must be taken to address alcoholism. In many cases those who involve in violence against women are under the influence of alcohol, sale of liquor should be banned within or around the residential areas. Moreover, women often play a key role in supporting honour crimes against other women. For some women, supporting honour-based

violence may be the only way they can protect their own honour and position within the family (Baker *et al.*, 1999; Kirti *et al.*, 2011). Thus, research and policy should not focus solely on male perpetrators, but also look at how women are complicit and, sometimes, even actively involved in honour killings (Devadoss and Sudha, 2013).

It is really a challenging task for the society, government and the judiciary to transform the socio-cultural psyche of the people who are much more possessive and committed to their ethno-community based sociocultural patterns in comparison to the society, state and the law. Each approach must involve women and men, civil society and government, and should have local, national and international dimensions. Early intervention is also vital in tackling domestic and so-called “honour”-based violence. There is need to break the silence and ensure that violence against women is not just a woman’s issue but primarily a political, social, economic and cultural issue that concerns men also.

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